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G.P.





LEGISLATIVE ASSEMBLY
OF ONTARIO 327

THIRD SESSION OF THE
TWENTY-FIFTH PARLIAMENT

121835

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

121835

SESSION

JANUARY 28th to APRIL 3rd, 1957



INDEX

THIRD SESSION, TWENTY-FIFTH PARLIAMENT

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No. 1

1957

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreement dated the 7th day of August, 1956, Agreement confirmed
between Federal District Commission and The Corporation
of the City of Ottawa, set forth as the Schedule hereto, is
hereby confirmed and declared to the legal, valid and binding
upon the Corporation.

2. Subsection 1 of section 5 of *The City of Ottawa Act, 1952* 1952, c. 130,
is repealed and the following substituted therefor: s. 5, subs. 1,
re-enacted

(1) The council of the Corporation may pass by-laws Erection and
prohibiting the erection or alteration of any building alteration of
or structure any part of which faces a park, parkway buildings
or driveway of the Federal District Commission or a facing park,
etc., of
highway having a width of at least eighty feet or a Federal
District
Commission
highway specially designated on an official plan
heretofore or hereafter lodged in the office of the
Minister of Planning and Development under *The* 1955, c. 61
Planning Act, 1955 or any similar property or
highway unless a certificate of approval of the plans
and specifications of the exterior design thereof has
first been issued by an official or officials or by a
committee or board appointed by the council.

(1a) The council of the Corporation may pass by-laws Regulation
regulating the exterior design of buildings and struc- of exterior
design
tures referred to in subsection 1.

(1b) The issuance of a certificate of approval under a Certificate
by-law passed pursuant to subsection 1 may be may be
refused refused
on any ground relating to the nature of the

exterior design of the building or structure whether or not a by-law has been passed under subsection 1a and, if such a by-law has been passed, whether or not there has been a failure to comply with the by-law.

Permits
under
by-law
passed
under
R.S.O. 1950,
c. 243

- (1c) No permit to erect or alter any building or structure referred to in subsection 1 shall be issued under the provisions of any by-law regulating the erection of buildings and structures heretofore or hereafter passed by the council of the Corporation pursuant to *The Municipal Act* unless the applicant for such permit has first obtained a certificate of approval of the exterior design of the building or structure from the official or officials or committee or board referred to in subsection 1.

Board of
Fire Com-
missioners

3.—(1) The council of the Corporation may pass by-laws establishing a commission to control, operate and manage the Fire Department of the Corporation and determining the composition, quorum and the rights, privileges, powers, duties and obligations of the commission and the number, method of appointment, eligibility for appointment, term of office and remuneration of the members of the commission.

Body
corporate

(2) The commission shall be a body corporate under the name of The Board of Fire Commissioners of the City of Ottawa.

Council may
abolish

(3) The council may at any time by by-law abolish any commission established under subsection 1.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Ottawa Act, 1957*.

SCHEDULE

THIS AGREEMENT made in triplicate this seventh day of August, A.D. 1956.

BETWEEN:

FEDERAL DISTRICT COMMISSION
(hereinafter called "the Commission"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF OTTAWA
(hereinafter called "the Corporation"),

OF THE SECOND PART.

WHEREAS the Commission is an agent of Her Majesty the Queen in right of Canada and will receive title from Her Majesty to Green Island situated in the Rideau River, in the City of Ottawa and the County of Carleton and Province of Ontario;

AND WHEREAS the Corporation is the owner of certain lands described in Schedule 1 to this Agreement and of certain other lands described in Schedule 2 to this Agreement, the lands described in Schedule 2 being hereinafter referred to in this Agreement as "the former City Hall Site";

AND WHEREAS the Corporation has requested a conveyance of part of Green Island for a new City Hall and has offered in exchange to convey to the Commission the lands described in Schedule 1 and to enter into certain covenants and agreements with respect to the former City Hall Site;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

That in consideration of the covenants, promises and agreements hereinafter set forth the Commission and the Corporation covenant and agree as follows:

The Commission covenants and agrees with the Corporation:

1. To convey or cause to be conveyed to the Corporation title in fee simple free of encumbrances to the following lands, namely:

"All that part of Green Island in the Rideau River in the City of Ottawa lying between the easterly limit of Sussex Drive and a line drawn parallel to the said easterly limit and distant 700 feet measured from the centre line of Sussex Drive except the building known as Temporary Building Number 7 situated on Green Island."

as shown outlined in green on a plan of the said Green Island and annexed hereto as Schedule 3 of this agreement, subject, however, to the following restrictive covenants to be annexed to and to be for the benefit of and to run with the remainder of the said Green Island, namely:

- (a) no building, structure or erection other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, shall be constructed on the said lands unless plans and specifications of such building, structure or erection including the materials to be incorporated therein shall have first been submitted to the Commission and its consent in writing obtained thereto, and every such building, structure or erection shall be placed on the said lands in the location, position and orientation approved by the Commission;

- (b) no building, structure or erection constructed or erected on the said lands shall be substantially modified, structurally or otherwise, except in accordance with the modifications authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, unless the proposed modifications shall have been first submitted to the Commission and its consent in writing obtained thereto;
- (c) no business, other than business relating to municipal functions and administration, trade or manufacture of any kind shall be carried on upon the said lands;
- (d) no parking lots, roads or driveways shall be constructed or built, other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, except in the locations, positions and areas which shall have been first approved by the Commission in writing for these purposes and vehicular parking shall not be permitted except in areas designated as such with the approval in writing of the Commission.

2. To permit the Corporation to take over vacant possession of the said lands on the date when this Agreement takes effect and becomes binding on the parties hereto in accordance with its terms.

3. To permit the Corporation to construct and maintain a road or driveway at its own expense for the use of pedestrians and light, non-commercial vehicular traffic only across an area of land on the said Green Island of approximately 1.26 acres in extent as shown outlined in orange on Schedule 3 hereto, for the purpose of enabling the Corporation to secure an access to and from the Minto Bridges across the said Rideau River, provided however that no such road or driveway shall be constructed without the plans and specifications therefor and the location and description thereof having been first approved in writing by the Commission.

The Corporation covenants and agrees with the Commission:

- 1. To convey to the Commission title in fee simple free of encumbrances to the lands and premises described in Schedule 1 to this Agreement.
- 2. Not to convey or lease to any person other than the Commission the lands comprising the former City Hall Site.
- 3. Not to construct or erect or permit to be constructed or erected any building, structure or erection of a permanent nature on the former City Hall Site except upon having received the approval in writing of the Commission. Notwithstanding this provision, at the date of this Agreement, neither the Corporation nor the Commission contemplates the erection of a permanent structure on the former City Hall Site other than the underground garage mentioned below since it is the intention to continue the use of this site as a permanent park.
- 4. Not to use and to prohibit the use of the former City Hall Site for parking or other purposes except as hereinafter expressly provided.
- 5. To demolish all buildings presently standing or erected on the former City Hall Site with the exception of the Registry Office building as soon as reasonably may be after the new Courts and Constabulary Building, to be erected by the Corporation on Waller Street in the City of Ottawa, is ready for occupancy.
- 6. To demolish the Registry Office building referred to in paragraph 5 within ten years from the date of this Agreement or on a date when alternative accommodation is provided elsewhere by the Province of Ontario, whichever date may be the earlier.

7. To improve and maintain the former City Hall Site or cause the same to be improved and maintained in accordance with the standards prevailing on lands owned by the Commission or other lands of Her Majesty in the same general area or location.

The Commission and the Corporation mutually covenant and agree as follows:

1. The Corporation may construct and operate an underground garage for vehicular parking under the former City Hall Site provided that provision shall be made for a depth of soil of not less than two feet between the roof of the underground garage and the present surface grade of the former City Hall Site but no construction of an underground garage shall be commenced without plans and specifications therefor, including the plans and specifications for approach ways and surface grades, having been first approved in writing by the Commission.
2. The Corporation may hold a public flower market or, in lieu thereof, another similar market annually, for a period not exceeding ten days, on the former City Hall Site and may, in addition, use the former City Hall Site for civic, ceremonial or similar functions or purposes.
3. Any question of law or fact relating to or arising out of this Agreement or the performance of this Agreement shall be determined by the Exchequer Court of Canada.
4. This Agreement shall take effect and become binding on the parties hereto upon being ratified and confirmed by the Legislature of the Province of Ontario and the Parliament of Canada.

IN WITNESS WHEREOF the Commission has hereunto affixed its corporate seal under the hands of its Chairman and Secretary and the Corporation has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

FEDERAL DISTRICT COMMISSION:

HOWARD KENNEDY,
Chairman.

J. E. HANDY,
Secretary.

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

Schedule 1

FEDERAL DISTRICT COMMISSION

PROPERTIES TO BE ACQUIRED FROM THE CITY OF OTTAWA

Ottawa River Parkway

- 01-1 Easterly 100' of Block "D" and those parts of Blocks "E", "F" and Mason Street, Plan 74 and Mason property, owned by the City of Ottawa, lying east of a line drawn parallel to and 500' easterly from the easterly boundary of Bayview Road. The above described properties subject to existing easements and providing for future waterworks easements.
- 01-2 Blocks "K" and "L", Plan 74, subject to existing easements and providing for future waterworks easements.
- 01-3 Lots 22-23, Plan 238, Stonehurst West, vacant land.
- 01-4 Lots 24-25, Plan 238, Carruthers East, vacant land.
- 01-7 Lots 31-33-34, Carruthers West, and Lots 50-51 and 52, Hinchey East, vacant land.
- 01-8 Lot 30, Emerson North, Lots 46-49, Hinchey East, vacant land.
- 01-9 Lot 42, Hinchey East, vacant land.
- 01-10 Lots 64-74 inc. Hinchey West, and Lots 77-89 inc. Forward East, vacant land.
- 01-11 Lots 91-97 inc. Forward West, and Lots 102-108 inc. Parkdale East, house on Lot 106 otherwise vacant.
- 0 212-3 Part of Bellevue Terrace River Front, Water Lots 1, 2, 3 & 4, Plan 3, Bellevue Terrace.

Parcel No.	Owner	Con. on Reg. Plan	Lot No.	Street
0-231	Cor. of Ottawa	M-29 Nep.	7	E. Banting Ave
0-231-1	" " "	" " "	1092	(N) CPR
0-231-2	" " "	236 "	"D"	Ardmore (E)
0-231-3	" " "	236 "	"B"	(E) Clybourne
0-231-4	" " "	236 "	"A"	(W) Clybourne
0-231-5	" " "	236 "	"C"	Ardmore (W)
0-231-6	" " "	232 "	"128"	River Front
0-231-7	" " "	232 "	"127"	" "

Rideau River Parkway

Island "D"—Rideau Island near Billings's Bridge, 2.47 acres, vacant land.

Eastern Parkway

- E 45A Lots 38-50 inc. Plan M25, vacant land, Walkley Road South.
- Lots 51-62 inc. Plan M24, vacant land, Brookline Avenue North.
- Lots 138-149 inc. Plan M24, vacant land, Brookline Avenue South.
- Lots 150-161 inc. Plan M24, vacant land, Surrey Avenue North.
- Lots 239-249 inc. Plan M24, vacant land, Surrey Avenue South.
- Lots 250-260 inc. Plan M24, vacant land, Notting Hill Avenue North.
- Lots 342-350 inc. Plan M24, vacant land, Notting Hill Avenue South.

E 45D, E, F, Lots 2-4 inc. Kitchener Avenue North.
 Lots 39, 40, 45, 46 Kitchener Avenue South, Plan 322, vacant land.

Western Parkway

- W-3 Lots 269-272 inc. Plan 348, vacant land, Waterloo West.
 Blocks 289-291 inc. Plan 311, vacant land, Waterloo East.
 Lots 253-256 inc. 258-264 inc. 285-288 inc. Plan 348, vacant land, Waterloo West.
 Lots 241-243 inc. and 289-292, Plan 348, vacant land, Connaught Avenue East.
- W-18 Lot 60, Plan 304, Pineview South.
 Lots 11-16, Plan 312, Ridgeway East.
 Lots 45-57, Plan 312, Pineview North.
 Lots 58-61, Plan 312, Pineview South.
 Lots 65-73, Plan 312, Pineview South.

East-West Limited Access Highway

- EP-186-1 Part Lot 173, Plan 222921, Reid Farm Playground, 1.3 acres, strip along tracks. Assessment \$8,248.00 per acre. (City building to be removed).
- EP-186-2 Lots 250-253 inc. Plan 121772, Young Street North, vacant land.
- EP-186-3 Lot 248, Plan 121772, Young Street North, vacant land.
- EP-186-4 Lots 36-38 inc. Plan 223, Edgar Street South, vacant land.
- EP-186-5 North 3.37' of south half of Lot 9, Plan 33, Cambridge Street.
- S.E. part of Block 18, Stanley Avenue N. (245' x 98') vacant.
- E. 10' of Lot 185, Plan M-29, Mansfield East (10' x 50').
- Whole of Plan 316, Walkley Avenue North.

Schedule 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the Province of Ontario and BEING COMPOSED of the easterly half from front to rear of Lot 31, the whole of Lots 32 and 33 on the south side of Queen Street, the easterly half from front to rear of Lot 31, the whole of Lots 32, 33 and 34 on the north side of Albert Street, that certain street allowance lying between Lots 32 and 33 on the south side of Queen Street and between Lots 32 and 33 on the north side of Albert Street and that certain part of Queen Street lying east of Elgin Street (as widened) closed by By-law Number 6867 of The Corporation of the City of Ottawa, all as shown on Plan Number 3922 registered in the Registry Office for the Registry Division of the City of Ottawa.

Schedule 3

[Plan Attached]

BILL

An Act respecting the City of Ottawa

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

No. 1

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Ottawa

MR. MORROW

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 1

1957

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is
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Therefore, Her Majesty, by and with the advice and consent
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as follows:

1. The agreement dated the 7th day of August, 1956, Agreement confirmed
between Federal District Commission and The Corporation
of the City of Ottawa, set forth as the Schedule hereto, is
hereby confirmed and declared to the legal, valid and binding
upon the Corporation.

2. Subsection 1 of section 5 of *The City of Ottawa Act, 1952* 1952, c. 130,
s. 5, subs. 1,
re-enacted
is repealed and the following substituted therefor:

(1) The council of the Corporation may pass by-laws Erection and alteration of buildings facing park, etc., of Federal District Commission
prohibiting the erection or alteration of any building
or structure any part of which faces a park, parkway
or driveway of the Federal District Commission or a
highway having a width of at least eighty feet or a
highway specially designated on an official plan
heretofore or hereafter lodged in the office of the
Minister of Planning and Development under *The* 1955, c. 61
Planning Act, 1955 or any similar property or
highway unless a certificate of approval of the plans
and specifications of the exterior design thereof has
first been issued by an official or officials or by a
committee or board appointed by the council.

(1a) The council of the Corporation may pass by-laws Regulation of exterior design
regulating the exterior design of buildings and struc-
tures referred to in subsection 1.

(1b) The issuance of a certificate of approval under a Certificate may be refused
by-law passed pursuant to subsection 1 may be
refused on any ground relating to the nature of the

exterior design of the building or structure whether or not a by-law has been passed under subsection 1a.

Permits
under
by-law
passed
under
R.S.O. 1950,
c. 243

- (1c) No permit to erect or alter any building or structure referred to in subsection 1 shall be issued under the provisions of any by-law regulating the erection of buildings and structures heretofore or hereafter passed by the council of the Corporation pursuant to *The Municipal Act* unless the applicant for such permit has first obtained a certificate of approval of the exterior design of the building or structure from the official or officials or committee or board referred to in subsection 1.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The City of Ottawa Act, 1957*.

SCHEDULE

THIS AGREEMENT made in triplicate this seventh day of August, A.D. 1956.

BETWEEN:

FEDERAL DISTRICT COMMISSION
(hereinafter called "the Commission"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF OTTAWA
(hereinafter called "the Corporation"),

OF THE SECOND PART.

WHEREAS the Commission is an agent of Her Majesty the Queen in right of Canada and will receive title from Her Majesty to Green Island situated in the Rideau River, in the City of Ottawa and the County of Carleton and Province of Ontario;

AND WHEREAS the Corporation is the owner of certain lands described in Schedule 1 to this Agreement and of certain other lands described in Schedule 2 to this Agreement, the lands described in Schedule 2 being hereinafter referred to in this Agreement as "the former City Hall Site";

AND WHEREAS the Corporation has requested a conveyance of part of Green Island for a new City Hall and has offered in exchange to convey to the Commission the lands described in Schedule 1 and to enter into certain covenants and agreements with respect to the former City Hall Site;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

That in consideration of the covenants, promises and agreements hereinafter set forth the Commission and the Corporation covenant and agree as follows:

The Commission covenants and agrees with the Corporation:

1. To convey or cause to be conveyed to the Corporation title in fee simple free of encumbrances to the following lands, namely:

"All that part of Green Island in the Rideau River in the City of Ottawa lying between the easterly limit of Sussex Drive and a line drawn parallel to the said easterly limit and distant 700 feet measured from the centre line of Sussex Drive except the building known as Temporary Building Number 7 situated on Green Island."

as shown outlined in green on a plan of the said Green Island and annexed hereto as Schedule 3 of this agreement, subject, however, to the following restrictive covenants to be annexed to and to be for the benefit of and to run with the remainder of the said Green Island, namely:

- (a) no building, structure or erection other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, shall be constructed on the said lands unless plans and specifications of such building, structure or erection including the materials to be incorporated therein shall have first been submitted to the Commission and its consent in writing obtained thereto, and every such building, structure or erection shall be placed on the said lands in the location, position and orientation approved by the Commission;

- (b) no building, structure or erection constructed or erected on the said lands shall be substantially modified, structurally or otherwise, except in accordance with the modifications authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, unless the proposed modifications shall have been first submitted to the Commission and its consent in writing obtained thereto;
 - (c) no business, other than business relating to municipal functions and administration, trade or manufacture of any kind shall be carried on upon the said lands;
 - (d) no parking lots, roads or driveways shall be constructed or built, other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, except in the locations, positions and areas which shall have been first approved by the Commission in writing for these purposes and vehicular parking shall not be permitted except in areas designated as such with the approval in writing of the Commission.
2. To permit the Corporation to take over vacant possession of the said lands on the date when this Agreement takes effect and becomes binding on the parties hereto in accordance with its terms.
3. To permit the Corporation to construct and maintain a road or driveway at its own expense for the use of pedestrians and light, non-commercial vehicular traffic only across an area of land on the said Green Island of approximately 1.26 acres in extent as shown outlined in orange on Schedule 3 hereto, for the purpose of enabling the Corporation to secure an access to and from the Minto Bridges across the said Rideau River, provided however that no such road or driveway shall be constructed without the plans and specifications therefor and the location and description thereof having been first approved in writing by the Commission.

The Corporation covenants and agrees with the Commission:

- 1. To convey to the Commission title in fee simple free of encumbrances to the lands and premises described in Schedule 1 to this Agreement.
- 2. Not to convey or lease to any person other than the Commission the lands comprising the former City Hall Site.
- 3. Not to construct or erect or permit to be constructed or erected any building, structure or erection of a permanent nature on the former City Hall Site except upon having received the approval in writing of the Commission. Notwithstanding this provision, at the date of this Agreement, neither the Corporation nor the Commission contemplates the erection of a permanent structure on the former City Hall Site other than the underground garage mentioned below since it is the intention to continue the use of this site as a permanent park.
- 4. Not to use and to prohibit the use of the former City Hall Site for parking or other purposes except as hereinafter expressly provided.
- 5. To demolish all buildings presently standing or erected on the former City Hall Site with the exception of the Registry Office building as soon as reasonably may be after the new Courts and Constabulary Building, to be erected by the Corporation on Waller Street in the City of Ottawa, is ready for occupancy.
- 6. To demolish the Registry Office building referred to in paragraph 5 within ten years from the date of this Agreement or on a date when alternative accommodation is provided elsewhere by the Province of Ontario, whichever date may be the earlier.

7. To improve and maintain the former City Hall Site or cause the same to be improved and maintained in accordance with the standards prevailing on lands owned by the Commission or other lands of Her Majesty in the same general area or location.

The Commission and the Corporation mutually covenant and agree as follows:

1. The Corporation may construct and operate an underground garage for vehicular parking under the former City Hall Site provided that provision shall be made for a depth of soil of not less than two feet between the roof of the underground garage and the present surface grade of the former City Hall Site but no construction of an underground garage shall be commenced without plans and specifications therefor, including the plans and specifications for approach ways and surface grades, having been first approved in writing by the Commission.
2. The Corporation may hold a public flower market or, in lieu thereof, another similar market annually, for a period not exceeding ten days, on the former City Hall Site and may, in addition, use the former City Hall Site for civic, ceremonial or similar functions or purposes.
3. Any question of law or fact relating to or arising out of this Agreement or the performance of this Agreement shall be determined by the Exchequer Court of Canada.
4. This Agreement shall take effect and become binding on the parties hereto upon being ratified and confirmed by the Legislature of the Province of Ontario and the Parliament of Canada.

IN WITNESS WHEREOF the Commission has hereunto affixed its corporate seal under the hands of its Chairman and Secretary and the Corporation has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

FEDERAL DISTRICT COMMISSION:

HOWARD KENNEDY,
Chairman.

J. E. HANDY,
Secretary.

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

Schedule 1

FEDERAL DISTRICT COMMISSION

PROPERTIES TO BE ACQUIRED FROM THE CITY OF OTTAWA

Ottawa River Parkway

- 01-1 Easterly 100' of Block "D" and those parts of Blocks "E", "F" and Mason Street, Plan 74 and Mason property, owned by the City of Ottawa, lying east of a line drawn parallel to and 500' easterly from the easterly boundary of Bayview Road. The above described properties subject to existing easements and providing for future waterworks easements.
- 01-2 Blocks "K" and "L", Plan 74, subject to existing easements and providing for future waterworks easements.
- 01-3 Lots 22-23, Plan 238, Stonehurst West, vacant land.
- 01-4 Lots 24-25, Plan 238, Carruthers East, vacant land.
- 01-7 Lots 31-33-34, Carruthers West, and Lots 50-51 and 52, Hinchey East, vacant land.
- 01-8 Lot 30, Emerson North, Lots 46-49, Hinchey East, vacant land.
- 01-9 Lot 42, Hinchey East, vacant land.
- 01-10 Lots 64-74 inc. Hinchey West, and Lots 77-89 inc. Forward East, vacant land.
- 01-11 Lots 91-97 inc. Forward West, and Lots 102-108 inc. Parkdale East, house on Lot 106 otherwise vacant.
- 0 212-3 Part of Bellevue Terrace River Front, Water Lots 1, 2, 3 & 4, Plan 3, Bellevue Terrace.

Parcel No.	Owner	Con. on Reg. Plan	Lot No.	Street
0-231	Cor. of Ottawa	M-29 Nep.	7	E. Banting Ave
0-231-1	" " "	" "	1092	(N) CPR
0-231-2	" " "	236 "	"D"	Ardmore (E)
0-231-3	" " "	236 "	"B"	(E) Clybourne
0-231-4	" " "	236 "	"A"	(W) Clybourne
0-231-5	" " "	236 "	"C"	Ardmore (W)
0-231-6	" " "	232 "	"128"	River Front
0-231-7	" " "	232 "	"127"	" "

Rideau River Parkway

Island "D"—Rideau Island near Billings's Bridge, 2.47 acres, vacant land.

Eastern Parkway

- E 45A Lots 38-50 inc. Plan M25, vacant land, Walkley Road South.
- Lots 51-62 inc. Plan M24, vacant land, Brookline Avenue North.
- Lots 138-149 inc. Plan M24, vacant land, Brookline Avenue South.
- Lots 150-161 inc. Plan M24, vacant land, Surrey Avenue North.
- Lots 239-249 inc. Plan M24, vacant land, Surrey Avenue South.
- Lots 250-260 inc. Plan M24, vacant land, Notting Hill Avenue North.
- Lots 342-350 inc. Plan M24, vacant land, Notting Hill Avenue South.

E 45D, E, F, Lots 2-4 inc. Kitchener Avenue North.
 Lots 39, 40, 45, 46 Kitchener Avenue South, Plan 322, vacant land.

Western Parkway

- W-3 Lots 269-272 inc. Plan 348, vacant land, Waterloo West.
 Blocks 289-291 inc. Plan 311, vacant land, Waterloo East.
 Lots 253-256 inc. 258-264 inc. 285-288 inc. Plan 348, vacant land, Waterloo West.
 Lots 241-243 inc. and 289-292, Plan 348, vacant land, Connaught Avenue East.
- W-18 Lot 60, Plan 304, Pineview South.
 Lots 11-16, Plan 312, Ridgeway East.
 Lots 45-57, Plan 312, Pineview North.
 Lots 58-61, Plan 312, Pineview South.
 Lots 65-73, Plan 312, Pineview South.

East-West Limited Access Highway

- EP-186-1 Part Lot 173, Plan 222921, Reid Farm Playground, 1.3 acres, strip along tracks. Assessment \$8,248.00 per acre. (City building to be removed.)
- EP-186-2 Lots 250-253 inc. Plan 121772, Young Street North, vacant land.
- EP-186-3 Lot 248, Plan 121772, Young Street North, vacant land.
- EP-186-4 Lots 36-38 inc. Plan 223, Edgar Street South, vacant land.
- EP-186-5 North 3.37' of south half of Lot 9, Plan 33, Cambridge Street.
- S.E. part of Block 18, Stanley Avenue N. (245' x 98') vacant.
- E. 10' of Lot 185, Plan M-29, Mansfield East (10' x 50').
- Whole of Plan 316, Walkley Avenue North.

Schedule 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the Province of Ontario and BEING COMPOSED OF the easterly half from front to rear of Lot 31, the whole of Lots 32 and 33 on the south side of Queen Street, the easterly half from front to rear of Lot 31, the whole of Lots 32, 33 and 34 on the north side of Albert Street, that certain street allowance lying between Lots 32 and 33 on the south side of Queen Street and between Lots 32 and 33 on the north side of Albert Street and that certain part of Queen Street lying east of Elgin Street (as widened) closed by By-law Number 6867 of The Corporation of the City of Ottawa, all as shown on Plan Number 3922 registered in the Registry Office for the Registry Division of the City of Ottawa.

Schedule 3

[Plan Attached]

BILL

An Act respecting the City of Ottawa

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. MORROW

(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Ottawa

Mr. MORROW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 1

1957

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreement dated the 7th day of August, 1956, Agreement confirmed
between Federal District Commission and The Corporation
of the City of Ottawa, set forth as the Schedule hereto, is
hereby confirmed and declared to be legal, valid and binding
upon the Corporation.

2. Subsection 1 of section 5 of *The City of Ottawa Act, 1952* 1952, c. 130,
is repealed and the following substituted therefor: s. 5, subs. 1,
re-enacted

(1) The council of the Corporation may pass by-laws ^{Erection and alteration of buildings facing park, etc., of Federal District Commission} prohibiting the erection or alteration of any building or structure any part of which faces a park, parkway or driveway of the Federal District Commission or a highway having a width of at least eighty feet or a highway specially designated on an official plan heretofore or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act, 1955* or any similar property or highway unless a certificate of approval of the plans and specifications of the exterior design thereof has first been issued by an official or officials or by a committee or board appointed by the council. 1955, c. 61

(1a) The council of the Corporation may pass by-laws ^{Regulation of exterior design} regulating the exterior design of buildings and structures referred to in subsection 1.

(1b) The issuance of a certificate of approval under a ^{Certificate may be refused} by-law passed pursuant to subsection 1 may be refused on any ground relating to the nature of the

exterior design of the building or structure whether or not a by-law has been passed under subsection 1a.

Permits
under
by-law
passed
under
R.S.O. 1950,
c. 243

- (1c) No permit to erect or alter any building or structure referred to in subsection 1 shall be issued under the provisions of any by-law regulating the erection of buildings and structures heretofore or hereafter passed by the council of the Corporation pursuant to *The Municipal Act* unless the applicant for such permit has first obtained a certificate of approval of the exterior design of the building or structure from the official or officials or committee or board referred to in subsection 1.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Ottawa Act, 1957*.

SCHEDULE

THIS AGREEMENT made in triplicate this seventh day of August, A.D. 1956.

BETWEEN:

FEDERAL DISTRICT COMMISSION
(hereinafter called "the Commission"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF OTTAWA
(hereinafter called "the Corporation"),

OF THE SECOND PART.

WHEREAS the Commission is an agent of Her Majesty the Queen in right of Canada and will receive title from Her Majesty to Green Island situated in the Rideau River, in the City of Ottawa and the County of Carleton and Province of Ontario;

AND WHEREAS the Corporation is the owner of certain lands described in Schedule 1 to this Agreement and of certain other lands described in Schedule 2 to this Agreement, the lands described in Schedule 2 being hereinafter referred to in this Agreement as "the former City Hall Site";

AND WHEREAS the Corporation has requested a conveyance of part of Green Island for a new City Hall and has offered in exchange to convey to the Commission the lands described in Schedule 1 and to enter into certain covenants and agreements with respect to the former City Hall Site;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

That in consideration of the covenants, promises and agreements hereinafter set forth the Commission and the Corporation covenant and agree as follows:

The Commission covenants and agrees with the Corporation:

1. To convey or cause to be conveyed to the Corporation title in fee simple free of encumbrances to the following lands, namely:

"All that part of Green Island in the Rideau River in the City of Ottawa lying between the easterly limit of Sussex Drive and a line drawn parallel to the said easterly limit and distant 700 feet measured from the centre line of Sussex Drive except the building known as Temporary Building Number 7 situated on Green Island."

as shown outlined in green on a plan of the said Green Island and annexed hereto as Schedule 3 of this agreement, subject, however, to the following restrictive covenants to be annexed to and to be for the benefit of and to run with the remainder of the said Green Island, namely:

- (a) no building, structure or erection other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, shall be constructed on the said lands unless plans and specifications of such building, structure or erection including the materials to be incorporated therein shall have first been submitted to the Commission and its consent in writing obtained thereto, and every such building, structure or erection shall be placed on the said lands in the location, position and orientation approved by the Commission;

- (b) no building, structure or erection constructed or erected on the said lands shall be substantially modified, structurally or otherwise, except in accordance with the modifications authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, unless the proposed modifications shall have been first submitted to the Commission and its consent in writing obtained thereto;
- (c) no business, other than business relating to municipal functions and administration, trade or manufacture of any kind shall be carried on upon the said lands;
- (d) no parking lots, roads or driveways shall be constructed or built, other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, except in the locations, positions and areas which shall have been first approved by the Commission in writing for these purposes and vehicular parking shall not be permitted except in areas designated as such with the approval in writing of the Commission.

2. To permit the Corporation to take over vacant possession of the said lands on the date when this Agreement takes effect and becomes binding on the parties hereto in accordance with its terms.

3. To permit the Corporation to construct and maintain a road or driveway at its own expense for the use of pedestrians and light, non-commercial vehicular traffic only across an area of land on the said Green Island of approximately 1.26 acres in extent as shown outlined in orange on Schedule 3 hereto, for the purpose of enabling the Corporation to secure an access to and from the Minto Bridges across the said Rideau River, provided however that no such road or driveway shall be constructed without the plans and specifications therefor and the location and description thereof having been first approved in writing by the Commission.

The Corporation covenants and agrees with the Commission:

- 1. To convey to the Commission title in fee simple free of encumbrances to the lands and premises described in Schedule 1 to this Agreement.
- 2. Not to convey or lease to any person other than the Commission the lands comprising the former City Hall Site.
- 3. Not to construct or erect or permit to be constructed or erected any building, structure or erection of a permanent nature on the former City Hall Site except upon having received the approval in writing of the Commission. Notwithstanding this provision, at the date of this Agreement, neither the Corporation nor the Commission contemplates the erection of a permanent structure on the former City Hall Site other than the underground garage mentioned below since it is the intention to continue the use of this site as a permanent park.
- 4. Not to use and to prohibit the use of the former City Hall Site for parking or other purposes except as hereinafter expressly provided.
- 5. To demolish all buildings presently standing or erected on the former City Hall Site with the exception of the Registry Office building as soon as reasonably may be after the new Courts and Constabulary Building, to be erected by the Corporation on Waller Street in the City of Ottawa, is ready for occupancy.
- 6. To demolish the Registry Office building referred to in paragraph 5 within ten years from the date of this Agreement or on a date when alternative accommodation is provided elsewhere by the Province of Ontario, whichever date may be the earlier.

7. To improve and maintain the former City Hall Site or cause the same to be improved and maintained in accordance with the standards prevailing on lands owned by the Commission or other lands of Her Majesty in the same general area or location.

The Commission and the Corporation mutually covenant and agree as follows:

1. The Corporation may construct and operate an underground garage for vehicular parking under the former City Hall Site provided that provision shall be made for a depth of soil of not less than two feet between the roof of the underground garage and the present surface grade of the former City Hall Site but no construction of an underground garage shall be commenced without plans and specifications therefor, including the plans and specifications for approach ways and surface grades, having been first approved in writing by the Commission.
2. The Corporation may hold a public flower market or, in lieu thereof, another similar market annually, for a period not exceeding ten days, on the former City Hall Site and may, in addition, use the former City Hall Site for civic, ceremonial or similar functions or purposes.
3. Any question of law or fact relating to or arising out of this Agreement or the performance of this Agreement shall be determined by the Exchequer Court of Canada.
4. This Agreement shall take effect and become binding on the parties hereto upon being ratified and confirmed by the Legislature of the Province of Ontario and the Parliament of Canada.

IN WITNESS WHEREOF the Commission has hereunto affixed its corporate seal under the hands of its Chairman and Secretary and the Corporation has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

FEDERAL DISTRICT COMMISSION:

HOWARD KENNEDY,
Chairman.

J. E. HANDY,
Secretary.

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

Schedule 1

FEDERAL DISTRICT COMMISSION

PROPERTIES TO BE ACQUIRED FROM THE CITY OF OTTAWA

Ottawa River Parkway

- 01-1 Easterly 100' of Block "D" and those parts of Blocks "E", "F" and Mason Street, Plan 74 and Mason property, owned by the City of Ottawa, lying east of a line drawn parallel to and 500' easterly from the easterly boundary of Bayview Road. The above described properties subject to existing easements and providing for future waterworks easements.
- 01-2 Blocks "K" and "L", Plan 74, subject to existing easements and providing for future waterworks easements.
- 01-3 Lots 22-23, Plan 238, Stonehurst West, vacant land.
- 01-4 Lots 24-25, Plan 238, Carruthers East, vacant land.
- 01-7 Lots 31-33-34, Carruthers West, and Lots 50-51 and 52, Hinchey East, vacant land.
- 01-8 Lot 30, Emerson North, Lots 46-49, Hinchey East, vacant land.
- 01-9 Lot 42, Hinchey East, vacant land.
- 01-10 Lots 64-74 inc. Hinchey West, and Lots 77-89 inc. Forward East, vacant land.
- 01-11 Lots 91-97 inc. Forward West, and Lots 102-108 inc. Parkdale East, house on Lot 106 otherwise vacant.
- 0 212-3 Part of Bellevue Terrace River Front, Water Lots 1, 2, 3 & 4, Plan 3, Bellevue Terrace.

Parcel No.	Owner	Con. on Reg. Plan	Lot No.	Street
0-231	Cor. of Ottawa	M-29 Nep.	7	E. Banting Ave
0-231-1	" " "	" "	1092	(N) CPR
0-231-2	" " "	236 "	"D"	Ardmore (E)
0-231-3	" " "	236 "	"B"	(E) Clybourne
0-231-4	" " "	236 "	"A"	(W) Clybourne
0-231-5	" " "	236 "	"C"	Ardmore (W)
0-231-6	" " "	232 "	"128"	River Front
0-231-7	" " "	232 "	"127"	" "

Rideau River Parkway

Island "D"—Rideau Island near Billings's Bridge, 2.47 acres, vacant land.

Eastern Parkway

- E 45A Lots 38-50 inc. Plan M25, vacant land, Walkley Road South.
- Lots 51-62 inc. Plan M24, vacant land, Brookline Avenue North.
- Lots 138-149 inc. Plan M24, vacant land, Brookline Avenue South.
- Lots 150-161 inc. Plan M24, vacant land, Surrey Avenue North.
- Lots 239-249 inc. Plan M24, vacant land, Surrey Avenue South.
- Lots 250-260 inc. Plan M24, vacant land, Notting Hill Avenue North.
- Lots 342-350 inc. Plan M24, vacant land, Notting Hill Avenue South.

E 45D, E, F, Lots 2-4 inc. Kitchener Avenue North.
 Lots 39, 40, 45, 46 Kitchener Avenue South, Plan 322, vacant
 land.

Western Parkway

W-3 Lots 269-272 inc. Plan 348, vacant land, Waterloo West.
 Blocks 289-291 inc. Plan 311, vacant land, Waterloo East.
 Lots 253-256 inc. 258-264 inc. 285-288 inc. Plan 348, vacant
 land, Waterloo West.
 Lots 241-243 inc. and 289-292, Plan 348, vacant land, Con-
 naught Avenue East.

W-18 Lot 60, Plan 304, Pineview South.
 Lots 11-16, Plan 312, Ridgeway East.
 Lots 45-57, Plan 312, Pineview North.
 Lots 58-61, Plan 312, Pineview South.
 Lots 65-73, Plan 312, Pineview South.

East-West Limited Access Highway

EP-186-1 Part Lot 173, Plan 222921, Reid Farm Playground, 1.3 acres,
 strip along tracks. Assessment \$8,248.00 per acre. (City
 building to be removed.)

EP-186-2 Lots 250-253 inc. Plan 121772, Young Street North, vacant
 land.

EP-186-3 Lot 248, Plan 121772, Young Street North, vacant land.

EP-186-4 Lots 36-38 inc. Plan 223, Edgar Street South, vacant land.

EP-186-5 North 3.37' of south half of Lot 9, Plan 33, Cambridge Street.

S.E. part of Block 18, Stanley Avenue N. (245' x 98') vacant.

E. 10' of Lot 185, Plan M-29, Mansfield East (10' x 50').

Whole of Plan 316, Walkley Avenue North.

Schedule 2

ALL AND SINGULAR that certain parcel or tract of land and premises
 situate, lying and being in the City of Ottawa in the Province of Ontario
 and BEING COMPOSED OF the easterly half from front to rear of Lot 31,
 the whole of Lots 32 and 33 on the south side of Queen Street, the easterly
 half from front to rear of Lot 31, the whole of Lots 32, 33 and 34 on the
 north side of Albert Street, that certain street allowance lying between
 Lots 32 and 33 on the south side of Queen Street and between Lots 32
 and 33 on the north side of Albert Street and that certain part of Queen
 Street lying east of Elgin Street (as widened) closed by By-law Number
 6867 of The Corporation of the City of Ottawa, all as shown on Plan
 Number 3922 registered in the Registry Office for the Registry Division of
 the City of Ottawa.

Schedule 3

[Plan Attached]



BILL

An Act respecting the City of Ottawa

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

Mr. MORROW

No. 2

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting James Russell

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 2

1957

BILL

An Act respecting James Russell

WHEREAS James Russell by his petition has represented Preamble
that he is the owner of the lands described in the
Schedule and that certain questions have arisen concerning
the title to the said lands, and has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The buildings, fences and other structures standing on Buildings,
etc., deemed
erected with
permit
the 1st day of April, 1956, upon the lands described in the
Schedule hereto shall be deemed conclusively to have been
erected under and in compliance with the permit or permits
required by *The Highway Improvement Act*, being chapter 56 R.S.O. 1937,
c. 56
of the Revised Statutes of Ontario, 1937, and the regulations
thereunder and by *The Highway Improvement Act*, being R.S.O. 1950,
c. 166
chapter 166 of the Revised Statutes of Ontario, 1950, and the
regulations thereunder.

2. The entrance to the said lands and premises giving Entrance to
Martindale
Road
deemed
opened with
permit
access thereto from Martindale Road existing on the 1st day
of April, 1956, shall be deemed conclusively to have been
opened and permitted to be opened under and in compliance
with the permit or permits required by *The Highway Improve-
ment Act*, being chapter 56 of the Revised Statutes of Ontario,
1937, and the regulations thereunder and by *The Highway
Improvement Act*, being chapter 166 of the Revised Statutes
of Ontario, 1950, and the regulations thereunder.

3. The buildings, fences and other structures standing on Buildings,
etc., deemed
to comply
the 1st day of April, 1956, upon the said lands shall be deemed
conclusively to comply with *The Highway Improvement Act*
and the regulations thereunder on the 23rd day of March,
1950.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The James Russell Act, 1957*. Short title

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, being composed of part of Lot 23 in Concession No. 3 for the said Township of Grantham, more particularly described as follows:

COMMENCING at a stone in the northerly boundary of the lands of the Queen Elizabeth Way, as shown on a Plan of the said Highway, filed in the Registry Office for the Registry Division of the County of Lincoln as Highway Plan No. 167 marking its intersection with the easterly limit of the lands of the Queen Elizabeth Way, as shown on Highway Plan No. 192, said stone being distant in the said northerly boundary easterly 20 feet from the easterly boundary of the lands of the Niagara, St. Catharines & Toronto Railway;

THENCE north 23 degrees and 40 minutes west in the easterly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 192, 203.6 feet;

THENCE north 50 degrees and 57 minutes east, 405.0 feet more or less to the water's edge of the Old Welland Canal;

THENCE south-easterly in the said last mentioned boundary to the northerly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 167;

THENCE south 50 degrees and 57 minutes west in the said last mentioned boundary, 546 feet more or less to the place of beginning.

BILL
An Act respecting James Russell

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting James Russell

MR. JOLLEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting James Russell

WHEREAS James Russell by his petition has represented Preamble
that he is the owner of the lands described in the
Schedule and that certain questions have arisen concerning
the title to the said lands, and has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The buildings, fences and other structures standing on Buildings,
etc., deemed
erected with
permit
the 1st day of April, 1956, upon the lands described in the
Schedule hereto shall be deemed conclusively to have been
erected under and in compliance with the permit or permits
required by *The Highway Improvement Act*, being chapter 56 R.S.O. 1937,
c. 56
of the Revised Statutes of Ontario, 1937, and the regulations
thereunder and by *The Highway Improvement Act*, being R.S.O. 1950,
c. 166
chapter 166 of the Revised Statutes of Ontario, 1950, and the
regulations thereunder.

2. The entrance to the said lands and premises giving Entrance to
Martindale
Road
deemed
opened with
permit
access thereto from Martindale Road existing on the 1st day
of April, 1956, shall be deemed conclusively to have been
opened and permitted to be opened under and in compliance
with the permit or permits required by *The Highway Improve-
ment Act*, being chapter 56 of the Revised Statutes of Ontario,
1937, and the regulations thereunder and by *The Highway
Improvement Act*, being chapter 166 of the Revised Statutes
of Ontario, 1950, and the regulations thereunder.

3. The buildings, fences and other structures standing on Buildings,
etc., deemed
to comply
the 1st day of April, 1956, upon the said lands shall be deemed
conclusively to comply with *The Highway Improvement Act*
and the regulations thereunder on the 23rd day of March,
1950.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The James Russell Act, 1957*. Short title

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, being composed of part of Lot 23 in Concession No. 3 for the said Township of Grantham, more particularly described as follows:

COMMENCING at a stone in the northerly boundary of the lands of the Queen Elizabeth Way, as shown on a Plan of the said Highway, filed in the Registry Office for the Registry Division of the County of Lincoln as Highway Plan No. 167 marking its intersection with the easterly limit of the lands of the Queen Elizabeth Way, as shown on Highway Plan No. 192, said stone being distant in the said northerly boundary easterly 20 feet from the easterly boundary of the lands of the Niagara, St. Catharines & Toronto Railway;

THENCE north 23 degrees and 40 minutes west in the easterly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 192, 203.6 feet;

THENCE north 50 degrees and 57 minutes east, 405.0 feet more or less to the water's edge of the Old Welland Canal;

THENCE south-easterly in the said last mentioned boundary to the northerly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 167;

THENCE south 50 degrees and 57 minutes west in the said last mentioned boundary, 546 feet more or less to the place of beginning.

BILL

An Act respecting James Russell

1st Reading

February 6th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. JOLLEY

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting National Organization of the New
Apostolic Church of North America

MR. MYERS

(PRIVATE BILL)

No. 3

1957

BILL

An Act respecting National Organization of the New Apostolic Church of North America

WHEREAS National Organization of the New Apostolic Church of North America by its petition has prayed for special legislation to relieve it from certain effects of *The Mortmain and Charitable Uses Act*; and whereas it is expedient to grant the prayer of the petition;

Preamble
R.S.O. 1950,
c. 241

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Mortmain and Charitable Uses Act*, National Organization of the New Apostolic Church of North America, a corporation created on the 21st day of October, 1939, by or under the authority of the laws of the State of Illinois, one of the United States of America, shall have and shall be deemed to have had on and after the said date power to acquire in mortmain, to hold in perpetuity and to assure in mortmain within the meaning of the said Act any real property within the Province of Ontario.

Application
of R.S.O.
1950, c. 241

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The National Organization of the New Apostolic Church of North America Act, 1957*.

Short title

BILL

An Act respecting National Organization
of the New Apostolic Church of
North America

1st Reading

2nd Reading

3rd Reading

MR. MYERS

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

**An Act respecting National Organization of the New
Apostolic Church of North America**

MR. MYERS

No. 3

1957

BILL

An Act respecting National Organization of the New Apostolic Church of North America

WHEREAS National Organization of the New Apostolic Church of North America by its petition has prayed for special legislation to relieve it from certain effects of *The Mortmain and Charitable Uses Act*; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1950, c. 241

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Mortmain and Charitable Uses Act*, National Organization of the New Apostolic Church of North America, a corporation created on the 21st day of October, 1939, by or under the authority of the laws of the State of Illinois, one of the United States of America, shall have and shall be deemed to have had on and after the said date power to acquire in mortmain, to hold in perpetuity and to assure in mortmain within the meaning of the said Act any real property within the Province of Ontario.

Application of R.S.O. 1950, c. 241

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. This Act may be cited as *The National Organization of the New Apostolic Church of North America Act, 1957*.

Short title

BILL

An Act respecting National Organization
of the New Apostolic Church of
North America

1st Reading

February 5th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. MYERS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Erin Fifth Line Union Church
in the Township of Erin

MR. ROOT

(PRIVATE BILL)

BILL

An Act respecting the Erin Fifth Line Union Church in the Township of Erin

WHEREAS Neil Edwin McKinnon, Wilson Bousfield Preamble
Sutton, Goldwin Burt, Harold Leslie Griffin, George
Chisholm Burt and Morgan Edward Graham, the Trustees
for the time being of the Erin Fifth Line Union Church,
hereinafter called the Trustees, by their petition have repre-
sented that under and by virtue of an indenture, dated the
7th day of April, 1873, between John Wilson Burt of the
Township of Erin in the County of Wellington in the Province
of Ontario, yeoman, of the first part, Mary Ann Burt of the
same place, wife of the party of the first part, of the second
part, and Robert Bingham of the same place, yeoman,
Edward Clark of the same place, yeoman, David Burt of the
same place, yeoman, William Rott of the same place, yeoman,
Neil McKinnon of the same place, yeoman, Robert Barbour
of the same place, yeoman, and John Wilson Burt of the
same place, yeoman, trustees of the Union Church situate on
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, all of the third part, the party of the first part did
grant unto the trustees of the Union Church and their suc-
cessors forever all and singular that certain parcel or tract
of land and premises situate, lying and being in the Township
of Erin in the County of Wellington in the Province of Ontario,
containing by admeasurement one-half of an acre of land
being composed of the southerly angle of the west half of
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, in trust for the use of the Union Church to have and
to hold unto the trustees of the Union Church, the party of
the third part, and their successors in trust for the sole and
only use of the Union Church forever, the same to be open
and free to all Protestant denominations and open upon all
funeral occasions, and the trustees of the Union Church did
covenant for themselves and their successors with the party
of the first part, his heirs, administrators, executors and
assigns, that in case the Union Church should at any time
be destroyed by fire, or otherwise, there must be another
church built on the same premises and used as the Union
Church; but if a term of five years shall elapse from the time
of the destruction of the Union Church before another church

is erected on the same premises, then in such case the said parcel of land and premises shall revert back to the party of the first part, his heirs, administrators, executors or assigns; and whereas the petitioners have prayed for special legislation to authorize the sale of the said parcel of land and premises to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
sell lands

1. The said six Trustees shall have full power and authority to sell to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin in the County of Wellington and Province of Ontario, containing by admeasurement one-half of an acre of land being composed of the southerly angle of the west half of Lot No. Seventeen in the Sixth Concession of the Township of Erin, and which may be more particularly described as follows:

COMMENCING where a post has been planted at the southerly angle of the said half lot; thence northeasterly along the boundary between lots numbers sixteen (16) and seventeen (17), two chains and twenty links to a point; thence northwesterly in a line parallel to the northeast boundary of the allowance for road between fifth and sixth concessions of the said township, two chains and thirty links; thence southwesterly parallel to the boundary between lots sixteen (16) and seventeen (17) two chains and twenty links to the northeast boundary of the said allowance for road between the Fifth and Sixth Concessions; thence southeasterly along the said boundary of the allowance for road between the Fifth and Sixth Concessions, two chains and thirty links to the place of beginning.

Deed to vest
absolute
title

2. A deed executed by the said six Trustees shall vest in the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, a full, clear and absolute title to the lands and premises conveyed by the deed free from all trusts whatsoever contained in the said indenture, dated the 7th day of April, 1873.

Trusts
annulled

3. The trusts imposed in the said indenture, dated the 7th day of April, 1873, are hereby annulled.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Erin Fifth Line Union Church Act, 1957*.

BILL

An Act respecting the Erin Fifth Line
Union Church in the
Township of Erin

1st Reading

2nd Reading

3rd Reading

MR. ROOT

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Erin Fifth Line Union Church
in the Township of Erin

Mr. Root

(Reprinted as amended in report by Commissioners of Estate Bills)

BILL

An Act respecting the Erin Fifth Line Union Church in the Township of Erin

WHEREAS Neil Edwin McKinnon, Wilson Bousfield Preamble
Sutton, Goldwin Burt, Harold Leslie Griffin, George
Chisholm Burt and Morgan Edward Graham, the Trustees
for the time being of the Erin Fifth Line Union Church,
hereinafter called the Trustees, by their petition have repre-
sented that under and by virtue of an indenture, dated the
7th day of April, 1873, between John Wilson Burt of the
Township of Erin in the County of Wellington in the Province
of Ontario, yeoman, of the first part, Mary Ann Burt of the
same place, wife of the party of the first part, of the second
part, and Robert Bingham of the same place, yeoman,
Edward Clark of the same place, yeoman, David Burt of the
same place, yeoman, William Rott of the same place, yeoman,
Neil McKinnon of the same place, yeoman, Robert Barbour
of the same place, yeoman, and John Wilson Burt of the
same place, yeoman, trustees of the Union Church situate on
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, all of the third part, the party of the first part did
grant unto the trustees of the Union Church and their suc-
cessors forever all and singular that certain parcel or tract
of land and premises situate, lying and being in the Township
of Erin in the County of Wellington in the Province of Ontario,
containing by admeasurement one-half of an acre of land
being composed of the southerly angle of the west half of
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, in trust for the use of the Union Church to have and
to hold unto the trustees of the Union Church, the party of
the third part, and their successors in trust for the sole and
only use of the Union Church forever, the same to be open
and free to all Protestant denominations and open upon all
funeral occasions, and the trustees of the Union Church did
covenant for themselves and their successors with the party
of the first part, his heirs, administrators, executors and
assigns, that in case the Union Church should at any time
be destroyed by fire, or otherwise, there must be another
church built on the same premises and used as the Union
Church; but if a term of five years shall elapse from the time
of the destruction of the Union Church before another church

is erected on the same premises, then in such case the said parcel of land and premises shall revert back to the party of the first part, his heirs, administrators, executors or assigns; and whereas the petitioners have prayed for special legislation to authorize the sale of the said parcel of land and premises to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
sell lands

1. The said six Trustees shall have full power and authority to sell to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin in the County of Wellington and Province of Ontario, containing by admeasurement one-half of an acre of land being composed of the southerly angle of the west half of Lot No. Seventeen in the Sixth Concession of the Township of Erin, and which may be more particularly described as follows:

COMMENCING where a post has been planted at the southerly angle of the said half lot; thence northeasterly along the boundary between lots numbers sixteen (16) and seventeen (17), two chains and twenty links to a point; thence northwesterly in a line parallel to the northeast boundary of the allowance for road between fifth and sixth concessions of the said township, two chains and thirty links; thence southwesterly parallel to the boundary between lots sixteen (16) and seventeen (17) two chains and twenty links to the northeast boundary of the said allowance for road between the Fifth and Sixth Concessions; thence southeasterly along the said boundary of the allowance for road between the Fifth and Sixth Concessions, two chains and thirty links to the place of beginning.

Deed to vest
absolute
title

2. A deed executed by the said six Trustees shall vest in the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, as part of the cemetery, a full, clear and absolute title to the lands and premises conveyed by the deed free from all trusts whatsoever contained in the said indenture, dated the 7th day of April, 1873, and upon the same trusts as are set forth in registered instrument No. 5035-D 1 for the Township of Erin.

Trusts
annulled

3. The trusts imposed in the said indenture, dated the 7th day of April, 1873, are hereby annulled.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Erin Fifth Line Union Church Act, 1957*.

BILL

An Act respecting the Erin Fifth Line
Union Church in the
Township of Erin

1st Reading

February 5th, 1957

2nd Reading

3rd Reading

MR. ROOT

(Reprinted as amended in report by
Commissioners of Estate Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

**An Act respecting the Erin Fifth Line Union Church
in the Township of Erin**

MR. ROOT

BILL

An Act respecting the Erin Fifth Line Union Church in the Township of Erin

WHEREAS Neil Edwin McKinnon, Wilson Bousfield Preamble
Sutton, Goldwin Burt, Harold Leslie Griffin, George
Chisholm Burt and Morgan Edward Graham, the Trustees
for the time being of the Erin Fifth Line Union Church,
hereinafter called the Trustees, by their petition have repre-
sented that under and by virtue of an indenture, dated the
7th day of April, 1873, between John Wilson Burt of the
Township of Erin in the County of Wellington in the Province
of Ontario, yeoman, of the first part, Mary Ann Burt of the
same place, wife of the party of the first part, of the second
part, and Robert Bingham of the same place, yeoman,
Edward Clark of the same place, yeoman, David Burt of the
same place, yeoman, William Rott of the same place, yeoman,
Neil McKinnon of the same place, yeoman, Robert Barbour
of the same place, yeoman, and John Wilson Burt of the
same place, yeoman, trustees of the Union Church situate on
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, all of the third part, the party of the first part did
grant unto the trustees of the Union Church and their suc-
cessors forever all and singular that certain parcel or tract
of land and premises situate, lying and being in the Township
of Erin in the County of Wellington in the Province of Ontario,
containing by admeasurement one-half of an acre of land
being composed of the southerly angle of the west half of
Lot No. Seventeen in the Sixth Concession of the Township
of Erin, in trust for the use of the Union Church to have and
to hold unto the trustees of the Union Church, the party of
the third part, and their successors in trust for the sole and
only use of the Union Church forever, the same to be open
and free to all Protestant denominations and open upon all
funeral occasions, and the trustees of the Union Church did
covenant for themselves and their successors with the party
of the first part, his heirs, administrators, executors and
assigns, that in case the Union Church should at any time
be destroyed by fire, or otherwise, there must be another
church built on the same premises and used as the Union
Church; but if a term of five years shall elapse from the time
of the destruction of the Union Church before another church

is erected on the same premises, then in such case the said parcel of land and premises shall revert back to the party of the first part, his heirs, administrators, executors or assigns; and whereas the petitioners have prayed for special legislation to authorize the sale of the said parcel of land and premises to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
sell lands

1. The said six Trustees shall have full power and authority to sell to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin in the County of Wellington and Province of Ontario, containing by admeasurement one-half of an acre of land being composed of the southerly angle of the west half of Lot No. Seventeen in the Sixth Concession of the Township of Erin, and which may be more particularly described as follows:

COMMENCING where a post has been planted at the southerly angle of the said half lot; thence northeasterly along the boundary between lots numbers sixteen (16) and seventeen (17), two chains and twenty links to a point; thence northwesterly in a line parallel to the northeast boundary of the allowance for road between fifth and sixth concessions of the said township, two chains and thirty links; thence southwesterly parallel to the boundary between lots sixteen (16) and seventeen (17) two chains and twenty links to the northeast boundary of the said allowance for road between the Fifth and Sixth Concessions; thence southeasterly along the said boundary of the allowance for road between the Fifth and Sixth Concessions, two chains and thirty links to the place of beginning.

Deed to vest
absolute
title

2. A deed executed by the said six Trustees shall vest in the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, as part of the cemetery, a full, clear and absolute title to the lands and premises conveyed by the deed free from all trusts whatsoever contained in the said indenture, dated the 7th day of April, 1873, and upon the same trusts as are set forth in registered instrument No. 5035-D 1 for the Township of Erin.

Trusts
annulled

3. The trusts imposed in the said indenture, dated the 7th day of April, 1873, are hereby annulled.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Erin Fifth Line Union Church Act, 1957*.

An Act respecting the Erin Fifth Line
Union Church in the
Township of Erin

1st Reading

February 5th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

Mr. Root

No. 5

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the County of York

MR. MACKENZIE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 5

1957

BILL

An Act respecting the County of York

WHEREAS The Corporation of the County of York by Preamble
its petition has prayed for special legislation in respect
of the matter hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of The Corporation of the County of York Debenture
by-law
authorized
is hereby authorized to pass a by-law without the approval
of the Ontario Municipal Board to borrow a sum not exceeding
\$420,000 upon debentures, payable in not more than ten years,
to meet the actual expenditure incurred in the year 1956 for
the construction and improvement of county roads, and such
by-law when duly passed shall be legal, valid and binding
upon The Corporation of the County of York.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The County of York Act, 1957*. Short title

BILL

An Act respecting the County of York

1st Reading

2nd Reading

3rd Reading

MR. MACKENZIE

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the County of York

MR. MACKENZIE

No. 5

1957

BILL

An Act respecting the County of York

WHEREAS The Corporation of the County of York by Preamble
its petition has prayed for special legislation in respect
of the matter hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of The Corporation of the County of York Debenture
by-law
authorized
is hereby authorized to pass a by-law without the approval
of the Ontario Municipal Board to borrow a sum not exceeding
\$420,000 upon debentures, payable in not more than ten years,
to meet the actual expenditure incurred in the year 1956 for
the construction and improvement of county roads, and such
by-law when duly passed shall be legal, valid and binding
upon The Corporation of the County of York.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The County of York Act, 1957*. Short title

BILL

An Act respecting the County of York

1st Reading

February 5th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. MACKENZIE

No. 6

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Chatham

MR. PARRY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham by Preamble
 its petition has represented that it has by By-laws Nos.
 3047 and 4011 provided pensions for full-time employees of
 the Corporation, which by-laws were passed pursuant to
The Municipal Act which permits only the providing of such R.S.O. 1950,
 c. 243
 pensions by contract either with Her Majesty in accordance
 with the *Government Annuities Act* (Canada) or with an R.S.C. 1952,
 c. 132
 insurer licensed under *The Insurance Act*, or with both Her R.S.O. 1950,
 c. 183
 Majesty and an insurer, and that it considers that in order
 to provide greater benefits for such employees it is desirable
 that additional powers be conferred upon the council of the
 Corporation; and whereas the petitioner has prayed for special
 legislation in respect of such matter; and whereas it is ex-
 pedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. In addition to its powers under paragraph 48 of section Pensions
 386 of *The Municipal Act*, the council of The Corporation of
 the City of Chatham may pass by-laws with the approval of
 the Department of Municipal Affairs for providing pensions
 for employees of The Corporation of the City of Chatham or
 any local board thereof, or any class of employees and their
 wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall R.S.O. 1950,
 c. 243, s. 300,
 subs. 1, not
 applicable
 not apply to any by-law passed under section 1 or to any
 debt incurred thereby.

3. This Act comes into force on the day it receives Royal Commence-
 ment
 Assent.

4. This Act may be cited as *The City of Chatham Act, 1957*. Short title

BILL

An Act respecting the City of Chatham

1st Reading

2nd Reading

3rd Reading

MR. PARRY

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Chatham

MR. PARRY

BILL

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham by ^{Preamble} its petition has represented that it has by By-laws Nos. 3047 and 4011 provided pensions for full-time employees of the Corporation, which by-laws were passed pursuant to *The Municipal Act* which permits only the providing of such ^{R.S.O. 1950, c. 243} pensions by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an ^{R.S.C. 1952, c. 132} insurer licensed under *The Insurance Act*, or with both Her ^{R.S.O. 1950, c. 183} Majesty and an insurer, and that it considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the council of the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to its powers under paragraph 48 of section ^{Pensions} 386 of *The Municipal Act*, the council of The Corporation of the City of Chatham may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of The Corporation of the City of Chatham or any local board thereof, or any class of employees and their wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall ^{R.S.O. 1950, c. 243, s. 300, subs. 1, not applicable} not apply to any by-law passed under section 1 or to any debt incurred thereby.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The City of Chatham Act, 1957*. ^{Short title}

BILL

An Act respecting the City of Chatham

1st Reading

February 5th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

Mr. PARRY

No. 7

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The United Church of Canada

Mr. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 7

1957

BILL

An Act respecting The United Church of Canada

WHEREAS The United Church of Canada by its petition Preamble
has represented that it desires to loan to Balmoral Hall
School for Girls moneys bequeathed to it by the late Sir
James Aikins "in trust to invest the same for income and to
use the income therefrom annually toward the creation and
maintenance of a girls' school in the City of Winnipeg under
the auspices and care of The United Church of Canada";
and whereas Balmoral Hall School for Girls was formed by
the amalgamation of Riverbend School for Girls (formerly
under the auspices and care of The United Church of Canada)
and a girls' school operated by St. John's College (formerly
under the auspices and care of The Church of England) and
is now operated by a joint board representing both Churches;
and whereas the petitioner has prayed for special legislation
to enable it to effect such purpose; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The United Church of Canada is hereby empowered Loan of
moneys
authorized
to loan the whole or any part of the moneys received from the
estate of the late Sir James Aikins, as aforesaid, to Balmoral
Hall School for Girls upon the terms and conditions of the
said amalgamation as they may be varied from time to time
or to apply the income from such moneys or any part thereof
for the maintenance and care of Balmoral Hall School for
Girls.

(2) Every such loan together with any moneys previously Loans
deemed
compliance
with
conditions
of trust
loaned from the said trust to Riverbend School for Girls shall
be deemed in compliance with the conditions of the trust.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The United Church of Canada* Short title
Act, 1957.

An Act respecting
The United Church of Canada

1st Reading

2nd Reading

3rd Reading

MR. MACAULAY

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The United Church of Canada

MR. MACAULAY

(Reprinted as amended in report by Commissioners of Estate Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 7

1957

BILL

An Act respecting The United Church of Canada

WHEREAS The United Church of Canada by its petition Preamble
has represented that it desires to loan to Balmoral Hall
School for Girls moneys bequeathed to it by the late Sir
James Aikins "in trust to invest the same for income and to
use the income therefrom annually toward the creation and
maintenance of a girls' school in the City of Winnipeg under
the auspices and care of The United Church of Canada";
and whereas Balmoral Hall School for Girls was formed by
the amalgamation of Riverbend School for Girls (formerly
under the auspices and care of The United Church of Canada)
and a girls' school operated by St. John's College (formerly
under the auspices and care of The Church of England) and
is now operated by a joint board representing both Churches;
and whereas the petitioner has prayed for special legislation
to enable it to effect such purpose; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The United Church of Canada is hereby empowered Application
of income
authorized
to apply the whole or any part of the income from the invest-
ment of moneys received from the estate of the late Sir James
Aikins as aforesaid for the maintenance of Balmoral Hall
School for Girls.

(2) Every such application of income shall be and is deemed Application
of income
deemed
compliance
with
conditions
of trust
to be a compliance with the trusts contained in the will.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The United Church of Canada* Short title
Act, 1957.

BILL

An Act respecting
The United Church of Canada

1st Reading

February 5th, 1957

2nd Reading

3rd Reading

MR. MACAULAY

(*Reprinted as amended in report by
Commissioners of Estate Bills*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The United Church of Canada

MR. MACAULAY



No. 7

1957

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has represented that it desires to loan to Balmoral Hall
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James Aikins "in trust to invest the same for income and to
use the income therefrom annually toward the creation and
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and a girls' school operated by St. John's College (formerly
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to be a compliance with the trusts contained in the will.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The United Church of Canada* Short title
Act, 1957.

An Act respecting
The United Church of Canada

1st Reading

February 5th, 1957

**2nd Reading*

March 11th, 1957

3rd Reading

March 18th, 1957

Mr. MACAULAY

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Village of Forest Hill

MR. FISHLEIGH

(PRIVATE BILL)



No. 8

1957

BILL

An Act respecting the Village of Forest Hill

WHEREAS The Corporation of the Village of Forest Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything in *The Land Titles Act* or *The Registry Act*, where a by-law of the Village of Forest Hill has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land in the said Village to which *The Land Titles Act* or *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose by such person.

Existing
uses
protectedR.S.O. 1950,
cc. 197, 336,
243

(2) "Person" in subsection 1 means only the person who purchased the land,

Interpreta-
tion

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) in cases where *The Registry Act* is applicable, before the registration, if any, of the by-law under *The Registry Act*.

(3) Notwithstanding subsections 1 and 2, the protection provided therein does not apply to any land, building or structure let or sublet in whole or in part as a dwelling place in a manner that but for Order No. 200 of the Wartime Prices and Trade Board, regulation 45 of Ontario Regulations 98/52 or a by-law passed under *The Rent Control Act*, 1953, c. 93

Idem

would be prohibited by any by-law whether such by-law was registered or not registered.

Authority
to undertake
pavement
work as local
improvement

2. Notwithstanding anything in *The Local Improvement Act*, the council of the Village of Forest Hill may undertake as a local improvement a work for widening the pavement on a street within the said village without a petition, and section 8 of *The Local Improvement Act* shall apply to such work.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Village of Forest Hill Act, 1957*.

BILL

An Act respecting the
Village of Forest Hill

1st Reading

2nd Reading

3rd Reading

MR. FISHLEIGH

(*Private Bill*)

No. 8

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting the Village of Forest Hill

MR. FISHLEIGH

(Reprinted as amended by the Committee of the Whole House)

No. 8

1957

BILL

An Act respecting the Village of Forest Hill

WHEREAS The Corporation of the Village of Forest Hill by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Local Improvement Act*, the council of the Village of Forest Hill may undertake as a local improvement a work for widening the pavement on a street within the said village without a petition, and section 8 of *The Local Improvement Act* shall apply to such work.

Authority
to undertake
pavement
work as local
improve-
ment
R.S.O. 1950,
c. 215

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Village of Forest Hill Act*, 1957.

Short title

An Act respecting the
Village of Forest Hill

1st Reading

February 5th, 1957

2nd Reading

February 20th, 1957

3rd Reading

MR. FISHLAIGH

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Village of Forest Hill

MR. FISHLEIGH

1876

1876

1876

No. 8

1957

BILL

An Act respecting the Village of Forest Hill

WHEREAS The Corporation of the Village of Forest Hill by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Local Improvement Act*, the council of the Village of Forest Hill may undertake as a local improvement a work for widening the pavement on a street within the said village without a petition, and section 8 of *The Local Improvement Act* shall apply to such work.

Authority
to undertake
pavement
work as local
improve-
ment
R.S.O. 1950
c. 215

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Village of Forest Hill Act*, Short title 1957.

An Act respecting the
Village of Forest Hill

1st Reading

February 5th, 1957

2nd Reading

February 20th, 1957

3rd Reading

March 18th, 1957

MR. FISHLEIGH

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting the Township of Crowland

MR. MORNINGSTAR

(PRIVATE BILL)



No. 9

1957

BILL

An Act respecting the Township of Crowland

WHEREAS The Corporation of the Township of ^{Preamble} Crowland by its petition has represented that the council of the Township has constructed certain sidewalks and watermains, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1453 passed by The Corporation of the ^{By-law confirmed} Township of Crowland on the 14th day of January, 1957, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$35,132.03 to pay the cost of constructing sidewalks and watermains is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

2. Sections 61, 62, 63 and 64 of *The Ontario Municipal* ^{Application of} *Board Act* shall apply in respect of By-law No. 1453 and the ^{R.S.O. 1950, c. 262} debentures to be issued thereunder.

3. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

4. This Act may be cited as *The Township of Crowland* ^{Short title} *Act, 1957.*

SCHEDULE

BY-LAW No. 1453 (1957)

OF THE CORPORATION OF THE TOWNSHIP OF CROWLAND

A By-law to provide for debenturing the cost of replacement of certain Sidewalks and Watermains constructed in the Township of Crowland.

WHEREAS the Corporation of the Township of Crowland has caused to be constructed the replacement sidewalks and watermains set out in Schedule "A" attached hereto;

AND WHEREAS it is deemed expedient to provide that the whole cost of the said works shall be specially assessed and levied by a rate on the dollar on all the rateable property in Sidewalk Area No. 1 and Water Area No. 1, respectively, of the Township of Crowland;

AND WHEREAS the Engineer for the said Township has certified that the final cost of the said works amounts to \$35,132.03, as follows:

For Sidewalks per Schedule "A"	\$12,675.92
For Watermains per Schedule "A"	22,456.11

AND WHEREAS it is necessary to borrow on the credit of the Corporation the aggregate amount of \$35,132.03 to pay for the said works;

AND WHEREAS it is estimated that the lifetime of the said works is ten years and more;

AND WHEREAS it is expedient to make the principal of the said debt payable in yearly sums during the period of ten years of such amount respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise annually the sum of \$4,660.89 during the term of ten years to pay the said yearly sums of principal and interest as they become due;

AND WHEREAS the whole amount of the rateable property of the Municipality, according to the last revised assessment roll, is \$25,152,177.00;

AND WHEREAS the total existing debenture debt of the Corporation amounts to \$2,552,047.67, and no part of the principal or interest thereon is in arrears;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Crowland enacts as follows:

1. That the whole amount of the cost of the said Sidewalks and Watermains, namely thirty-five thousand, one hundred and thirty-two and 03/100 dollars (\$35,132.03) shall be borrowed on the credit of the Corporation at large and debentures issued therefor in sums of not less than one hundred (\$100.00) dollars each, bearing interest at the rate of five and one-half percentum per annum.

2. That the debentures to be issued to pay for the cost of the said works shall bear date the first day of June, 1957, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "B" attached to and forming part of this By-law.

3. That the said debentures shall be issued and signed by the Reeve and the Treasurer, and sealed with the seal of the Corporation. The interest coupons shall be signed by the Treasurer, whose signature may

be printed, engraved or lithographed on the coupons, and such printed, engraved or lithographed signature of the Treasurer shall, for all purposes, be deemed the signature of the said Treasurer.

4. The said debentures shall be payable as to both principal and interest in lawful money of Canada, and the said debentures and interest coupons shall be payable at the office of The Toronto-Dominion Bank, Crowland, Ontario, and at the principal office of the said Bank in the City of Toronto and in the City of Montreal. During the currency of the said debentures there shall be raised in each year the amount of the instalments of principal and interest payable in each year as set forth in the fourth column of said Schedule "B" attached hereto.

5. Commencing in the year 1958, and thereafter in each year in which an instalment of principal of the said debt and interest thereon become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of said Schedule "B". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates and taxes, upon all the rateable property in Sidewalk Area No. 1, and Water Area No. 1, respectively, of the Township of Crowland, and said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME and finally passed in Council, by a three-fourths vote of all the members thereof, this fourteenth day of January, A.D. 1957.

PETER J. SANTONE,
Reeve.

ARTHUR H. CREAMER,
Clerk.

Schedule "A"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Four-foot Concrete Sidewalks Constructed:

- (1) Dain Avenue (east side).... from Avon Street
to south limit of Lot 296
- (2) Dain Avenue (east side).... from Hill Street to Avon Street
- (3) Highway 3-A..... from Wade Street
southerly approximately 950 ft.
- (4) Wright Street (both sides).. from Ontario Rd. to Orchard Ave.
- (5) David Street (east side).... from Sauer Ave. to McCabe Ave.
- (6) Broadway (south side)..... from St. George St. to Trufal Ave.
- (7) Sager (north side)..... from Southworth St. to Deere St.

Six-inch Watermains Constructed:

- (1) Lincoln Street..... from Crowland Ave. to Schofield
- (2) Afton Avenue..... from Lincoln St. southerly 400'
- (3) Classic Avenue..... from Lincoln St. southerly 375'
- (4) Welland Street..... from Lyons Ave. to Cameron Ave.
- (5) Canal Bank..... from Fifth St. to Sixth

Ten-inch Watermains Constructed:

- (1) Crowland Avenue..... from Hagar St. northerly 200'
- (2) Railroad Avenue..... from David St. to Southworth
approximately 300'

Schedule "B"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Year	Principal	Interest	Equal Annual Payment
First.....	\$ 2,728.63	\$ 1,932.26	\$ 4,660.89
Second.....	2,878.70	1,782.19	4,660.89
Third.....	3,037.02	1,623.87	4,660.89
Fourth.....	3,204.07	1,456.82	4,660.89
Fifth.....	3,380.29	1,280.60	4,660.89
Sixth.....	3,566.21	1,094.68	4,660.89
Seventh.....	3,762.34	898.55	4,660.89
Eighth.....	3,969.28	691.61	4,660.89
Ninth.....	4,187.59	473.30	4,660.89
Tenth.....	4,417.90	242.99	4,660.89
	<hr/>	<hr/>	<hr/>
	\$35,132.03	\$11,476.87	\$46,608.90
	<hr/>	<hr/>	<hr/>

An Act respecting
the Township of Crowland

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. MORNINGSTAR

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Township of Crowland

MR. MORNINGSTAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 9

1957

BILL

An Act respecting the Township of Crowland

WHEREAS The Corporation of the Township of Crowland by its petition has represented that the council of the Township has constructed certain sidewalks and watermains, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1453 passed by The Corporation of the Township of Crowland on the 14th day of January, 1957, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$35,132.03 to pay the cost of constructing sidewalks and watermains is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

By-law confirmed

2. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 1453 and the debentures to be issued thereunder.

Application of R.S.O. 1950, c. 262

3. This Act comes into force on the day it receives Royal Assent.

Commencement

4. This Act may be cited as *The Township of Crowland Act, 1957*.

Short title

SCHEDULE

BY-LAW No. 1453 (1957)

OF THE CORPORATION OF THE TOWNSHIP OF CROWLAND

A By-law to provide for debenturing the cost of replacement of certain Sidewalks and Watermains constructed in the Township of Crowland.

WHEREAS the Corporation of the Township of Crowland has caused to be constructed the replacement sidewalks and watermains set out in Schedule "A" attached hereto;

AND WHEREAS it is deemed expedient to provide that the whole cost of the said works shall be specially assessed and levied by a rate on the dollar on all the rateable property in Sidewalk Area No. 1 and Water Area No. 1, respectively, of the Township of Crowland;

AND WHEREAS the Engineer for the said Township has certified that the final cost of the said works amounts to \$35,132.03, as follows:

For Sidewalks per Schedule "A"	\$12,675.92
For Watermains per Schedule "A"	22,456.11

AND WHEREAS it is necessary to borrow on the credit of the Corporation the aggregate amount of \$35,132.03 to pay for the said works;

AND WHEREAS it is estimated that the lifetime of the said works is ten years and more;

AND WHEREAS it is expedient to make the principal of the said debt payable in yearly sums during the period of ten years of such amount respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise annually the sum of \$4,660.89 during the term of ten years to pay the said yearly sums of principal and interest as they become due;

AND WHEREAS the whole amount of the rateable property of the Municipality, according to the last revised assessment roll, is \$25,152,177.00;

AND WHEREAS the total existing debenture debt of the Corporation amounts to \$2,552,047.67, and no part of the principal or interest thereon is in arrears;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Crowland enacts as follows:

1. That the whole amount of the cost of the said Sidewalks and Watermains, namely thirty-five thousand, one hundred and thirty-two and 03/100 dollars (\$35,132.03) shall be borrowed on the credit of the Corporation at large and debentures issued therefor in sums of not less than one hundred (\$100.00) dollars each, bearing interest at the rate of five and one-half percentum per annum.

2. That the debentures to be issued to pay for the cost of the said works shall bear date the first day of June, 1957, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "B" attached to and forming part of this By-law.

3. That the said debentures shall be issued and signed by the Reeve and the Treasurer, and sealed with the seal of the Corporation. The interest coupons shall be signed by the Treasurer, whose signature may

be printed, engraved or lithographed on the coupons, and such printed, engraved or lithographed signature of the Treasurer shall, for all purposes, be deemed the signature of the said Treasurer.

4. The said debentures shall be payable as to both principal and interest in lawful money of Canada, and the said debentures and interest coupons shall be payable at the office of The Toronto-Dominion Bank, Crowland, Ontario, and at the principal office of the said Bank in the City of Toronto and in the City of Montreal. During the currency of the said debentures there shall be raised in each year the amount of the instalments of principal and interest payable in each year as set forth in the fourth column of said Schedule "B" attached hereto.

5. Commencing in the year 1958, and thereafter in each year in which an instalment of principal of the said debt and interest thereon become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of said Schedule "B". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates and taxes, upon all the rateable property in Sidewalk Area No. 1, and Water Area No. 1, respectively, of the Township of Crowland, and said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME and finally passed in Council, by a three-fourths vote of all the members thereof, this fourteenth day of January, A.D. 1957.

PETER J. SANTONE,
Reeve.

ARTHUR H. CREAMER,
Clerk.

Schedule "A"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Four-foot Concrete Sidewalks Constructed:

- (1) Dain Avenue (east side).... from Avon Street
to south limit of Lot 296
- (2) Dain Avenue (east side).... from Hill Street to Avon Street
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southerly approximately 950 ft.
- (4) Wright Street (both sides).. from Ontario Rd. to Orchard Ave.
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- (7) Sager (north side)..... from Southworth St. to Deere St.

Six-inch Watermains Constructed:

- (1) Lincoln Street..... from Crowland Ave. to Schofield
- (2) Afton Avenue..... from Lincoln St. southerly 400'
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- (4) Welland Street..... from Lyons Ave. to Cameron Ave.
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Ten-inch Watermains Constructed:

- (1) Crowland Avenue..... from Hagar St. northerly 200'
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approximately 300'

Schedule "B"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Year	Principal	Interest	Equal Annual Payment
First.....	\$ 2,728.63	\$ 1,932.26	\$ 4,660.89
Second.....	2,878.70	1,782.19	4,660.89
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Tenth.....	4,417.90	242.99	4,660.89
	<hr/>	<hr/>	<hr/>
	\$35,132.03	\$11,476.87	\$46,608.90
	<hr/>	<hr/>	<hr/>

Bill
An Act respecting
the Township of Crowland

1st Reading

February 14th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

MR. MORNINGSTAR

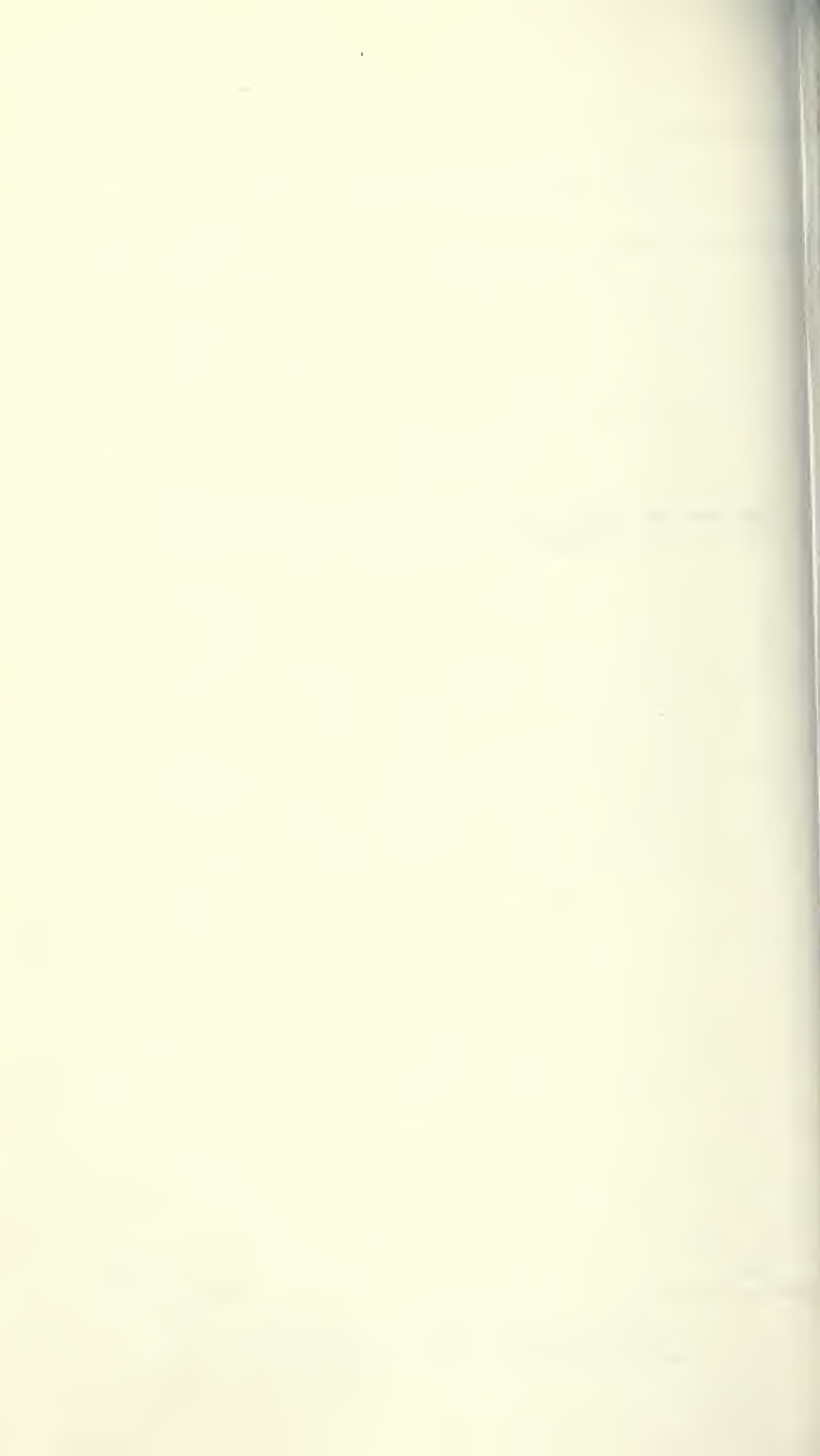
3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to incorporate the Ontario Professional
Foresters Association

MR. WARDROPE

(PRIVATE BILL)



BILL

An Act to incorporate the Ontario Professional Foresters Association

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that they are desirous of being incorporated under the name "Ontario Professional Foresters Association", hereinafter called the Association, for the purposes of increasing the knowledge, skill and proficiency of its members in all things relating to forestry and generally of carrying out the objects of the Association; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. J. W. Bernard Sisam, Dean, Faculty of Forestry, ^{Association} University of Toronto; John B. Matthews, Forester; Thomas ^{incorpor-} E. Mackey, Forester; Alvah S. Bray, Forester; Robert C. Hosie, Professor of Forestry, University of Toronto; George W. Phipps, Forester, all of the City of Toronto; George G. Garner, Forester, of the Township of Atikokan; Robert I. Young, Forester, of the City of Port Arthur; Edwin F. Ault, Forester, of the Town of Kapuskasing; Charles A. Rowe, Forester, of the City of Sault Ste. Marie; J. Walter Giles, Forester, of the Town of Pembroke; Ewan R. Caldwell, Forester, of the Village of Braeside; and such other persons as hereafter may become members of the Association are hereby constituted a body corporate and politic under the name "Ontario Professional Foresters Association".

2. The objects of the Association shall be to promote and ^{Objects} increase the knowledge, skill and proficiency of its members in all things relating to forestry and to regulate the standards of forestry practice of its members.

3. Any person who is of the full age of twenty-one years ^{Membership} or over and provides satisfactory evidence of good character may be registered as a member of the Association,



BILL

An Act to incorporate the Ontario Professional Foresters Association

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that they are desirous of being incorporated under the name "Ontario Professional Foresters Association", hereinafter called the Association, for the purposes of increasing the knowledge, skill and proficiency of its members in all things relating to forestry and generally of carrying out the objects of the Association; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. J. W. Bernard Sisam, Dean, Faculty of Forestry, ^{Association} University of Toronto; John B. Matthews, Forester; Thomas ^{incorporated} E. Mackey, Forester; Alvah S. Bray, Forester; Robert C. Hosie, Professor of Forestry, University of Toronto; George W. Phipps, Forester, all of the City of Toronto; George G. Garner, Forester, of the Township of Atikokan; Robert I. Young, Forester, of the City of Port Arthur; Edwin F. Ault, Forester, of the Town of Kapuskasing; Charles A. Rowe, Forester, of the City of Sault Ste. Marie; J. Walter Giles, Forester, of the Town of Pembroke; Ewan R. Caldwell, Forester, of the Village of Braeside; and such other persons as hereafter may become members of the Association are hereby constituted a body corporate and politic under the name "Ontario Professional Foresters Association".

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3. Any person who is of the full age of twenty-one years ^{Membership} or over and provides satisfactory evidence of good character may be registered as a member of the Association,

- (a) if he has graduated from a course in forestry in a university approved by the Council and has had a record of eighteen months or more pre-graduation or post-graduation experience in forestry work acceptable to the Council; or
- (b) if he has successfully passed the one or more written examinations prescribed by the Council and designed to show knowledge and skill equal to that obtained through graduation from an approved course in forestry, and he gives a record of four years or more experience in forestry work acceptable to the Council; or
- (c) if within one year from the effective date of this Act he files an application for registration, and gives a record of ten years or more experience in forestry work acceptable to the Council; and
- (d) if he complies with such other requirements as the by-laws may prescribe.

Certificate
of member-
ship

4. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Association and the signatures of the president and secretary-treasurer.

Register

5.—(1) The secretary-treasurer shall enroll in a register provided by the Council the names of all persons admitted to the Association.

Idem

(2) The secretary-treasurer shall keep the register correct in accordance with this Act and the instruction of the Council.

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privileges of
Association

(3) Only those members whose names appear in the register shall be entitled to the privileges of membership in the Association.

Real and
personal
property

6. The Association may acquire, by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

Council

7.—(1) There shall be a council of the Association, herein called the Council, which shall control and manage the affairs of the Association.

Division
into
geographical
sections

(2) For purposes of representation on the Council, the membership of the Association shall be divided into such sections based on geographical location as the by-laws may provide.

(3) The Council shall consist of the president, vice-president and immediate past president and two councillors from each section of the Association, all of whom, except the immediate past president, shall be elected for such term and in such manner as the by-laws may provide. ^{Composition}

(4) In the case of the death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and the Council may fill the vacancy in such manner as the by-laws may provide, and absence from three consecutive meetings or cancellation or suspension of registration may be treated by the Council as incapacity. ^{Vacancies}

(5) The Council may appoint a secretary-treasurer and such other officers and employees as may be provided for in the by-laws. ^{Secretary-treasurer, etc.}

8.—(1) The Council may pass by-laws, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business, and property of the Association, its management, government, aims, objects and interests, including, ^{By-laws}

- (a) providing for the division of the membership of the Association into sections based on geographical location for the purpose of representation on the Council;
- (b) providing for the election of the Council;
- (c) providing for the election or appointment of such officers of the Association as may be necessary for carrying out the purposes of the Association, and prescribing their duties and responsibilities;
- (d) fixing the dates and places of meetings of the Association and the Council and prescribing the manner of calling and conducting such meetings;
- (e) providing for the fixing, levying and collecting of fees payable upon application for registration and renewal of registration, and prescribing the penalties for failure to make such payments;
- (f) providing for the keeping of a register of members and the conditions and procedure of registration, annual renewal of registration and the cancellation or suspension of registration;
- (g) providing for the form and use of a seal by the Association;

- (h) providing for the remuneration and reimbursement of members of the Council;
- (i) providing for the management of the property of the Association;
- (j) prescribing a code of ethics to govern the discipline, conduct and control of members;
- (k) governing the expenditures and dispositions of the revenue of the Association and prescribing the books and records to be kept and providing for audits;
- (l) providing for the establishment of minimum academic standards and experience in forestry work;
- (m) providing for qualifications of membership in addition to those prescribed in section 3;
- (n) providing for the form of certificates of registration and their renewal;
- (o) regulating the conduct of the members of the Association including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Association;
- (p) providing for the form of application, the examination of applicants and proof of academic qualifications, experience in forestry work and any other qualifications required for registration;
- (q) providing for the re-examination of applicants and for the procedure and conditions of restoring registration where such registration has been cancelled or suspended by the Council;
- (r) respecting any other matter deemed necessary or advisable for the effective management of the Association and the conduct of its business.

Approval of
by-laws

(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law.

Provisional
council

9.—(1) The persons named in section 1 are hereby constituted a provisional council of the Association; the first-named shall hold office as president, the second-named shall hold office as vice-president and the remainder shall hold office as councillors until their successors are elected in accordance with this Act and the by-laws of the Association.

(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 8. ^{Provisional by-laws}

(3) The provisional council, within nine months after the day this Act comes into force, shall call a general meeting of the members of the Association for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. ^{General meeting}

10. Any surplus moneys derived from carrying on the affairs and business of the Association shall be devoted solely to promoting and carrying out its objects and shall not be divided among its members. ^{Surplus}

11. Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. ^{Application of Act}

12.—(1) Every member of the Association shall have the right to use the designation "Registered Professional Forester" and may use the initials "R.P.F." indicating that he is a registered professional forester. ^{Designation}

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Forester" or the initials "R.P.F.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Association, shall be guilty of an offence and, on summary conviction, shall be liable to a penalty of not more than \$25 for each offence. ^{Offence and penalty}

(3) All penalties recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Association. ^{Penalties payable to Association}

13. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

14. This Act may be cited as *The Ontario Professional Foresters Association Act, 1957.* ^{Short title}

An Act to incorporate
the Ontario Professional Foresters
Association

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

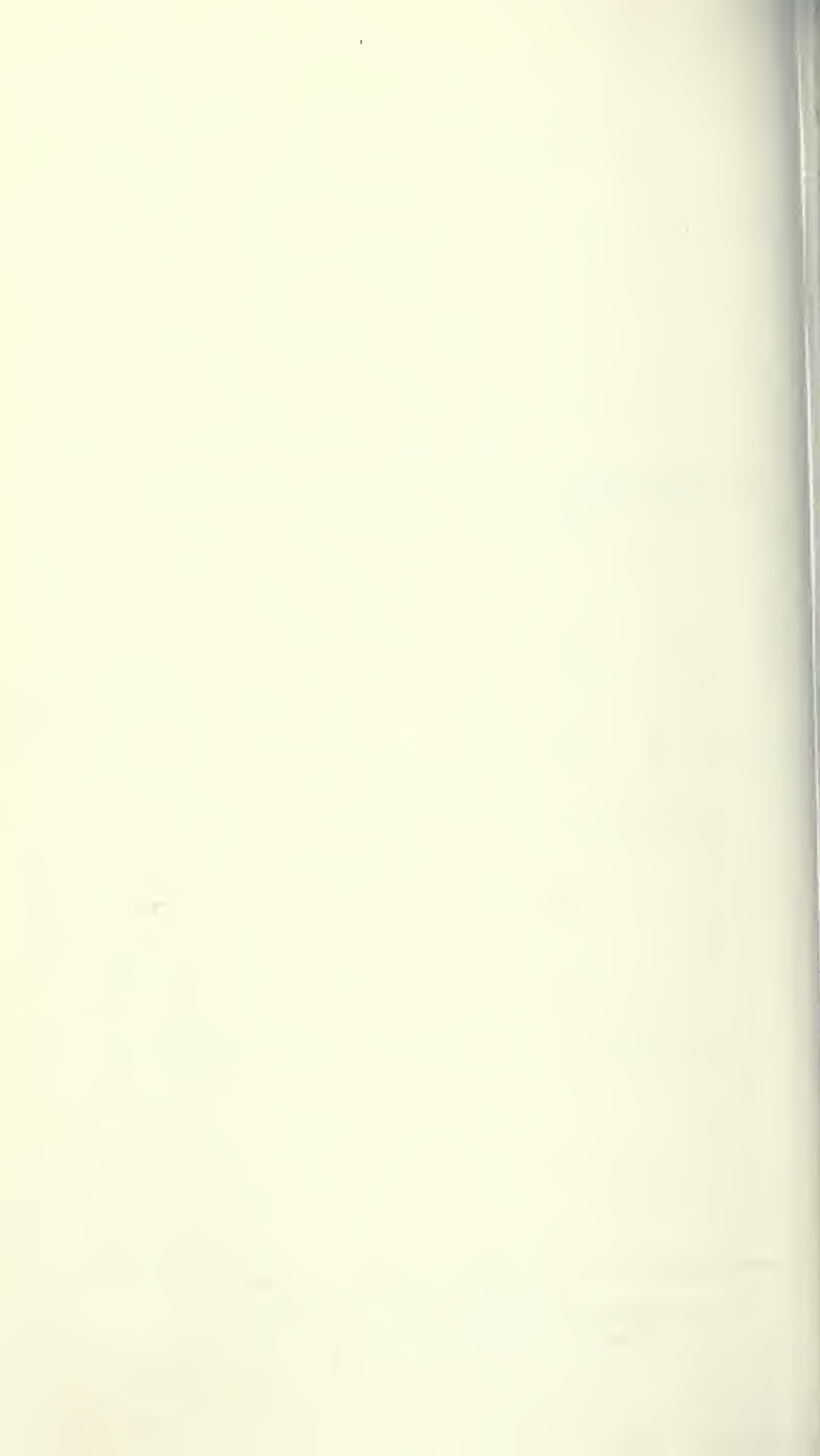
BILL

An Act to incorporate the Ontario Professional
Foresters Association

MR. WARDROPE

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 10

1957

BILL

An Act to incorporate the Ontario Professional Foresters Association

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that they are desirous of being incorporated under the name "Ontario Professional Foresters Association", hereinafter called the Association, for the purposes of increasing the knowledge, skill and proficiency of its members in all things relating to forestry and generally of carrying out the objects of the Association; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. J. W. Bernard Sisam, Dean, Faculty of Forestry, ^{Association} University of Toronto; John B. Matthews, Forester; Thomas ^{incorpor-} E. Mackey, Forester; Alvah S. Bray, Forester; Robert C. Hosie, Professor of Forestry, University of Toronto; George W. Phipps, Forester, all of the City of Toronto; George G. Garner, Forester, of the Township of Atikokan; Robert I. Young, Forester, of the City of Port Arthur; Edwin F. Ault, Forester, of the Town of Kapuskasing; Charles A. Rowe, Forester, of the City of Sault Ste. Marie; J. Walter Giles, Forester, of the Town of Pembroke; Ewan R. Caldwell, Forester, of the Village of Braeside; and such other persons as hereafter may become members of the Association are hereby constituted a body corporate and politic under the name "Ontario Professional Foresters Association".

2. The objects of the Association shall be to promote and ^{Objects} increase the knowledge, skill and proficiency of its members in all things relating to forestry and to regulate the standards of forestry practice of its members.

3. Any person who is of the full age of twenty-one years ^{Membership} or over and provides satisfactory evidence of good character may be registered as a member of the Association,

- (a) if he has graduated from a course in forestry in a university approved by the Council and has had a record of eighteen months or more pre-graduation or post-graduation experience in forestry work acceptable to the Council; or
- (b) if he has successfully passed the one or more examinations prescribed by the Council and designed to show knowledge and skill equal to that obtained through graduation from an approved course in forestry, and he gives a record of four years or more experience in forestry work acceptable to the Council; or
- (c) if within three years from the effective date of this Act he files an application for registration, and gives a record of five years or more experience in forestry work acceptable to the Council; and
- (d) if he complies with such other requirements as the by-laws may prescribe.

Certificate
of member-
ship

4. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Association and the signatures of the president and secretary-treasurer.

Register

5.—(1) The secretary-treasurer shall enroll in a register provided by the Council the names of all persons admitted to the Association.

Idem

(2) The secretary-treasurer shall keep the register correct in accordance with this Act and the instruction of the Council.

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(3) Only those members whose names appear in the register shall be entitled to the privileges of membership in the Association.

Real and
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6. The Association may acquire, by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

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Division
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geographical
sections

(2) For purposes of representation on the Council, the membership of the Association shall be divided into such sections based on geographical location as the by-laws may provide.

(3) The Council shall consist of the president, vice-president and immediate past president and two councillors from each section of the Association, all of whom, except the immediate past president, shall be elected for such term and in such manner as the by-laws may provide. ^{Composition}

(4) In the case of the death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and the Council may fill the vacancy in such manner as the by-laws may provide, and absence from three consecutive meetings or cancellation or suspension of registration may be treated by the Council as incapacity. ^{Vacancies}

(5) The Council may appoint a secretary-treasurer and such other officers and employees as may be provided ^{Secretary-treasurer, etc.} for in the by-laws.

8.—(1) The Council may pass by-laws, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business, and property of the Association, its management, government, aims, objects and interests, including, ^{By-laws}

- (a) providing for the division of the membership of the Association into sections based on geographical location for the purpose of representation on the Council;
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- (h) providing for the remuneration and reimbursement of members of the Council;
- (i) providing for the management of the property of the Association;
- (j) prescribing a code of ethics to govern the discipline, conduct and control of members;
- (k) governing the expenditures and dispositions of the revenue of the Association and prescribing the books and records to be kept and providing for audits;
- (l) providing for the establishment of minimum academic standards and experience in forestry work;
- (m) providing for qualifications of membership in addition to those prescribed in section 3;
- (n) providing for the form of certificates of registration and their renewal;
- (o) regulating the conduct of the members of the Association including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Association;
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- (r) respecting any other matter deemed necessary or advisable for the effective management of the Association and the conduct of its business.

Approval of
by-laws

(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law.

Provisional
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9.—(1) The persons named in section 1 are hereby constituted a provisional council of the Association; the first-named shall hold office as president, the second-named shall hold office as vice-president and the remainder shall hold office as councillors until their successors are elected in accordance with this Act and the by-laws of the Association.

(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 8. ^{Provisional by-laws}

(3) The provisional council, within nine months after the day this Act comes into force, shall call a general meeting of the members of the Association for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. ^{General meeting}

10. Any surplus moneys derived from carrying on the affairs and business of the Association shall be devoted solely to promoting and carrying out its objects and shall not be divided among its members. ^{Surplus}

11. Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. ^{Application of Act}

12.—(1) Every member of the Association shall have the right to use the designation "Registered Professional Forester" and may use the initials "R.P.F." indicating that he is a registered professional forester. ^{Designation}

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Forester" or the initials "R.P.F.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Association, shall be guilty of an offence and, on summary conviction, shall be liable to a penalty of not more than \$25 for each offence. ^{Offence and penalty}

(3) All penalties recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Association. ^{Penalties payable to Association}

13. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

14. This Act may be cited as *The Ontario Professional Foresters Association Act, 1957*. ^{Short title}

An Act to incorporate
the Ontario Professional Foresters
Association

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. WARDROPE

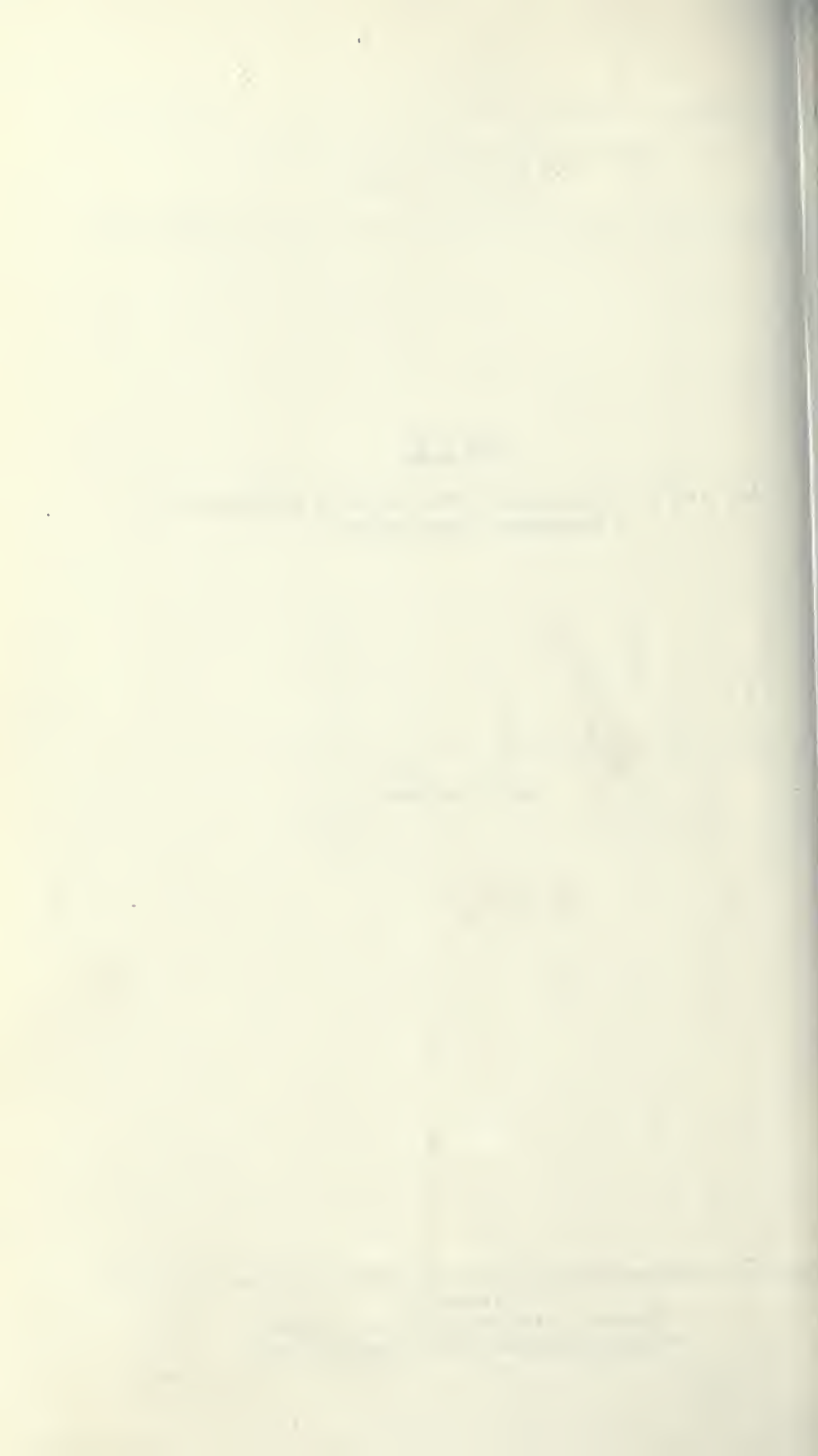
(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to incorporate the Ontario Professional
Foresters Association

MR. WARDROPE



BILL

An Act to incorporate the Ontario Professional Foresters Association

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that they are desirous of being incorporated under the name "Ontario Professional Foresters Association", hereinafter called the Association, for the purposes of increasing the knowledge, skill and proficiency of its members in all things relating to forestry and generally of carrying out the objects of the Association; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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- (b) if he has successfully passed the one or more examinations prescribed by the Council and designed to show knowledge and skill equal to that obtained through graduation from an approved course in forestry, and he gives a record of four years or more experience in forestry work acceptable to the Council; or
- (c) if within three years from the effective date of this Act he files an application for registration, and gives a record of five years or more experience in forestry work acceptable to the Council; and
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(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law.

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(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 8. ^{Provisional by-laws}

(3) The provisional council, within nine months after the day this Act comes into force, shall call a general meeting of the members of the Association for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. ^{General meeting}

10. Any surplus moneys derived from carrying on the affairs and business of the Association shall be devoted solely to promoting and carrying out its objects and shall not be divided among its members. ^{Surplus}

11. Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. ^{Application of Act}

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(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Forester" or the initials "R.P.F.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Association, shall be guilty of an offence and, on summary conviction, shall be liable to a penalty of not more than \$25 for each offence. ^{Offence and penalty}

(3) All penalties recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Association. ^{Penalties payable to Association}

13. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

14. This Act may be cited as *The Ontario Professional Foresters Association Act, 1957*. ^{Short title}

An Act to incorporate
the Ontario Professional Foresters
Association

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. WARDROPE

No. 11

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The Royal Trust Company

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting The Royal Trust Company

WHEREAS The Royal Trust Company by its petition Preamble
has represented that it was incorporated by an Act of the Legislature of the Province of Quebec, being chapter 79 of the Statutes of Quebec, 1892, which Act has been subsequently amended; that Barclays Trust Company of Canada was incorporated by *An Act to incorporate Barclays Trust Company of Canada*, being chapter 137 of the Statutes of Quebec, 1930-31; that The Royal Trust Company is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *An Act to authorize The Royal Trust Company to do business in the Province of Ontario*, being chapter 103 of the Statutes of Ontario, 1902; that Barclays Trust Company of Canada is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *The Barclays Trust Company of Canada Act, 1951*; 1951, c. 96
that The Royal Trust Company has acquired and is the beneficial owner of all the issued and authorized shares of Barclays Trust Company of Canada and proposes and desires to amalgamate the business of Barclays Trust Company of Canada with its own business; and that it is necessary and expedient that the consequences of such amalgamation upon the rights and obligations of all those who had, have or might have relations with Barclays Trust Company of Canada be clearly determined, both as to their nature and legal effect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Royal Trust Company and Barclays Trust Company of Canada, hereinafter referred to as the "said corporations", shall be consolidated and amalgamated and be merged in and form one corporation, The Royal Trust Company, hereinafter referred to as the "continuing corporation", and the con-

Amalgamation

tinuing corporation shall possess all the powers, rights, privileges and franchises of each of the said corporations in the Province of Ontario.

Property
vested in
continuing
corporation

2. All the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the said corporations shall be vested in the continuing corporation without further act or deed.

Liens
unimpaired

3. All rights of creditors and liens upon the property of each of the said corporations shall be unimpaired by the amalgamation of the said corporations.

Debts, etc.,
to attach to
continuing
corporation

4. All debts, liabilities and duties of each of the said corporations shall attach to the continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it.

Trusts, etc.,
vested in
and binding
on
continuing
corporation

5.—(1) All trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the said corporations shall be vested in and bind and may be enforced against the continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument appointing either of the said corporations in the first instance.

Name of
continuing
corporation
substituted
in
instruments

(2) Whenever in any instrument any estate, lease, charge, money, real or other property, or any interest, possibility, chose in action or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of either of the said corporations as the fiduciary, the name of the continuing corporation shall be deemed to be substituted for the name of the named corporation, and such instrument shall vest the subject-matter therein described in the continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the continuing corporation shall be deemed to stand in the place and stead of the named corporation.

Continuing
corporation
substituted
where
present
corporations
named as
executors,
etc.

(3) Where the name of either of the said corporations appears as executor, trustee, guardian, or curator in a will or codicil, such will or codicil shall be read, construed and enforced as if the continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the corporation named therein.

Continuing
corporation
substituted
for present
corporations
in probates,
etc.

(4) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem*

issued or made by any court of Ontario to either of the said corporations, from which at the date hereof it had not been finally discharged, the continuing corporation shall be *ipso facto* substituted therefor.

(5) In this section, "fiduciary" includes trustee, bailee, ^{Interpre-} executor, administrator, assignee, guardian, committee, receiver, liquidator, agent, registrar or transfer agent, and "instrument" includes every will, codicil, or other testamentary document, indenture, conveyance, settlement, instrument of creation, trust deed, deed, mortgage, assignment, probate, letters of administration, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority.

6.—(1) No suit, action, appeal, application or other pro- ^{Actions, etc.,} ceeding being carried on, or power, right or remedy being ^{continued} exercised by either of the said corporations, shall be dis- ^{in name of} continued on account of this Act; but may be continued in ^{continuing} the name of the continuing corporation, and the continuing ^{corporation} corporation shall have the same rights and be subject to the same liabilities, and shall pay or receive the like costs, as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of the continuing corporation.

(2) The continuing corporation may bring, maintain and exercise in its name any suit, action, appeal, application or ^{Powers of} other proceeding, or exercise any power, right or remedy that ^{continuing} either of the said corporations was, could have been or could ^{corporation} have become entitled to bring, maintain or exercise. ^{to bring} ^{actions, etc.}

7.—(1) It shall be sufficient to register a certified copy of this Act in each registry division or land titles office in which ^{Registration} instruments affecting lands or interests in lands included or ^{of copy of} intended to be included in the amalgamation of the said ^{Act in} corporations are registered. ^{registry or} ^{land titles}

(2) The fee payable for any registration under subsection 1 ^{Fee} shall be \$1.

(3) Any document under the hand or purporting to be under the hand of the Registrar appointed under *The Loan and Trust Corporations Act*, certifying the document to be or to contain a true copy of this Act, shall be registered in any registry division by the registrar thereof or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee, as prescribed by subsection 2, and shall be entered in the general register of the registry division or in the book kept for that purpose in the land titles office. ^{Documents} ^{certified} ^{by Registrar} ^{under R.S.O.} ^{1950, c. 214,} ^{to be} ^{registered}

Certified
copies to
be received
by master
of titles

(4) Copies of this Act so certified shall be received by the master of titles and local masters of titles, under *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared.

Personal
property
under R.S.O.
1950, c. 36

(5) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgages Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included or intended to be included in the said amalgamation if the instrument affecting such property or interest recites this Act.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Royal Trust Company Act, 1957*.

An Act respecting
The Royal Trust Company

1st Reading

2nd Reading

3rd Reading

MR. MACAULAY

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting The Royal Trust Company

MR. MACAULAY



No. 11

1957

BILL

An Act respecting The Royal Trust Company

WHEREAS The Royal Trust Company by its petition Preamble
 has represented that it was incorporated by an Act of the Legislature of the Province of Quebec, being chapter 79 of the Statutes of Quebec, 1892, which Act has been subsequently amended; that Barclays Trust Company of Canada was incorporated by *An Act to incorporate Barclays Trust Company of Canada*, being chapter 137 of the Statutes of Quebec, 1930-31; that The Royal Trust Company is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *An Act to authorize The Royal Trust Company to do business in the Province of Ontario*, being chapter 103 of the Statutes of Ontario, 1902; that Barclays Trust Company of Canada is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *The Barclays Trust Company of Canada Act, 1951*; 1951, c. 96
 that The Royal Trust Company has acquired and is the beneficial owner of all the issued and authorized shares of Barclays Trust Company of Canada and proposes and desires to amalgamate the business of Barclays Trust Company of Canada with its own business; and that it is necessary and expedient that the consequences of such amalgamation upon the rights and obligations of all those who had, have or might have relations with Barclays Trust Company of Canada be clearly determined, both as to their nature and legal effect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Royal Trust Company and Barclays Trust Company of Canada, hereinafter referred to as the "said corporations", shall be consolidated and amalgamated and be merged in and form one corporation, The Royal Trust Company, hereinafter referred to as the "continuing corporation", and the con- Amalgamation

tinuing corporation shall possess all the powers, rights, privileges and franchises of each of the said corporations in the Province of Ontario.

Property
vested in
continuing
corporation

2. All the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the said corporations shall be vested in the continuing corporation without further act or deed.

Liens
unimpaired

3. All rights of creditors and liens upon the property of each of the said corporations shall be unimpaired by the amalgamation of the said corporations.

Debts, etc.,
to attach to
continuing
corporation

4. All debts, liabilities and duties of each of the said corporations shall attach to the continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it.

Trusts, etc.,
vested in
and binding
on
continuing
corporation

5.—(1) All trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the said corporations shall be vested in and bind and may be enforced against the continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument appointing either of the said corporations in the first instance.

Name of
continuing
corporation
substituted
in
instruments

(2) Whenever in any instrument any estate, lease, charge, money, real or other property, or any interest, possibility, chose in action or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of either of the said corporations as the fiduciary, the name of the continuing corporation shall be deemed to be substituted for the name of the named corporation, and such instrument shall vest the subject-matter therein described in the continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the continuing corporation shall be deemed to stand in the place and stead of the named corporation.

Continuing
corporation
substituted
where
present
corporations
named as
executors,
etc.

(3) Where the name of either of the said corporations appears as executor, trustee, guardian, or curator in a will or codicil, such will or codicil shall be read, construed and enforced as if the continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the corporation named therein.

Continuing
corporation
substituted
for present
corporations
in probates,
etc.

(4) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem*

issued or made by any court of Ontario to either of the said corporations, from which at the date hereof it had not been finally discharged, the continuing corporation shall be *ipso facto* substituted therefor.

(5) In this section, "fiduciary" includes trustee, bailee, ^{Interpre-} executor, administrator, assignee, guardian, committee, receiver, liquidator, agent, registrar or transfer agent, and "instrument" includes every will, codicil, or other testamentary document, indenture, conveyance, settlement, instrument of creation, trust deed, deed, mortgage, assignment, probate, letters of administration, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority.

6.—(1) No suit, action, appeal, application or other proceeding being carried on, or power, right or remedy being exercised by either of the said corporations, shall be discontinued on account of this Act; but may be continued in the name of the continuing corporation, and the continuing corporation shall have the same rights and be subject to the same liabilities, and shall pay or receive the like costs, as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of the continuing corporation. ^{Actions, etc., continued in name of continuing corporation}

(2) The continuing corporation may bring, maintain and exercise in its name any suit, action, appeal, application or other proceeding, or exercise any power, right or remedy that either of the said corporations was, could have been or could have become entitled to bring, maintain or exercise. ^{Powers of continuing corporation to bring actions, etc.}

7.—(1) It shall be sufficient to register a certified copy of this Act in each registry division or land titles office in which instruments affecting lands or interests in lands included or intended to be included in the amalgamation of the said corporations are registered. ^{Registration of copy of Act in registry or land titles}

(2) The fee payable for any registration under subsection 1 shall be \$1. ^{Fee}

(3) Any document under the hand or purporting to be under the hand of the Registrar appointed under *The Loan and Trust Corporations Act*, certifying the document to be or to contain a true copy of this Act, shall be registered in any registry division by the registrar thereof or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee, as prescribed by subsection 2, and shall be entered in the general register of the registry division or in the book kept for that purpose in the land titles office. ^{Documents certified by Registrar under R.S.O. 1950, c. 214, to be registered}

Certified
copies to
be received
by master
of titles

(4) Copies of this Act so certified shall be received by the master of titles and local masters of titles, under *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared.

Personal
property
under R.S.O.
1950, c. 36

(5) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgages Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included or intended to be included in the said amalgamation if the instrument affecting such property or interest recites this Act.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Royal Trust Company Act, 1957*.

An Act respecting
The Royal Trust Company

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. MACCULLAY

No. 12

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Brantford

MR. GORDON

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the the Township of Brantford

WHEREAS The Corporation of the Township of Brantford by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchase of the lands more particularly described in Registered Instrument No. 55024 for the Township of Brantford by The Corporation of the Township of Brantford from the estate of the late William F. Cockshutt is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of the said lands to The Corporation of the Township of Brantford shall be deemed to have had the effect of vesting the said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired under paragraph 63 of subsection 1 of section 388 of *The Municipal Act*. Purchase of
lands
ratified

R.S.O. 1950,
c. 243

2. The sales of the lands, more particularly described in Registered Instruments Nos. 55674, 57032, 57148, 57444, 57905, 62514 and A-4451 for the Township of Brantford, to Gardner-Denver Co. (Canada) Ltd., Carhayes Limited, Cyril D. Henderson, Chiksan of Canada Ltd., Harold E. Boston and William M. Bryden, in Trust, Harold E. Boston and William M. Bryden, in Trust, and Brantford Moulded Plastics Ltd., respectively, from The Corporation of the Township of Brantford are ratified, confirmed and declared to be legal, valid and binding, and each conveyance of the said lands to the said purchasers from the Township of Brantford shall be deemed to have been sold under the authority of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*. Sale of lands
ratified

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Township of Brantford Act*, Short title 1957.

An Act respecting the
Township of Brantford

1st Reading

2nd Reading

3rd Reading

MR. GORDON

(*Private Bill*)

No. 12

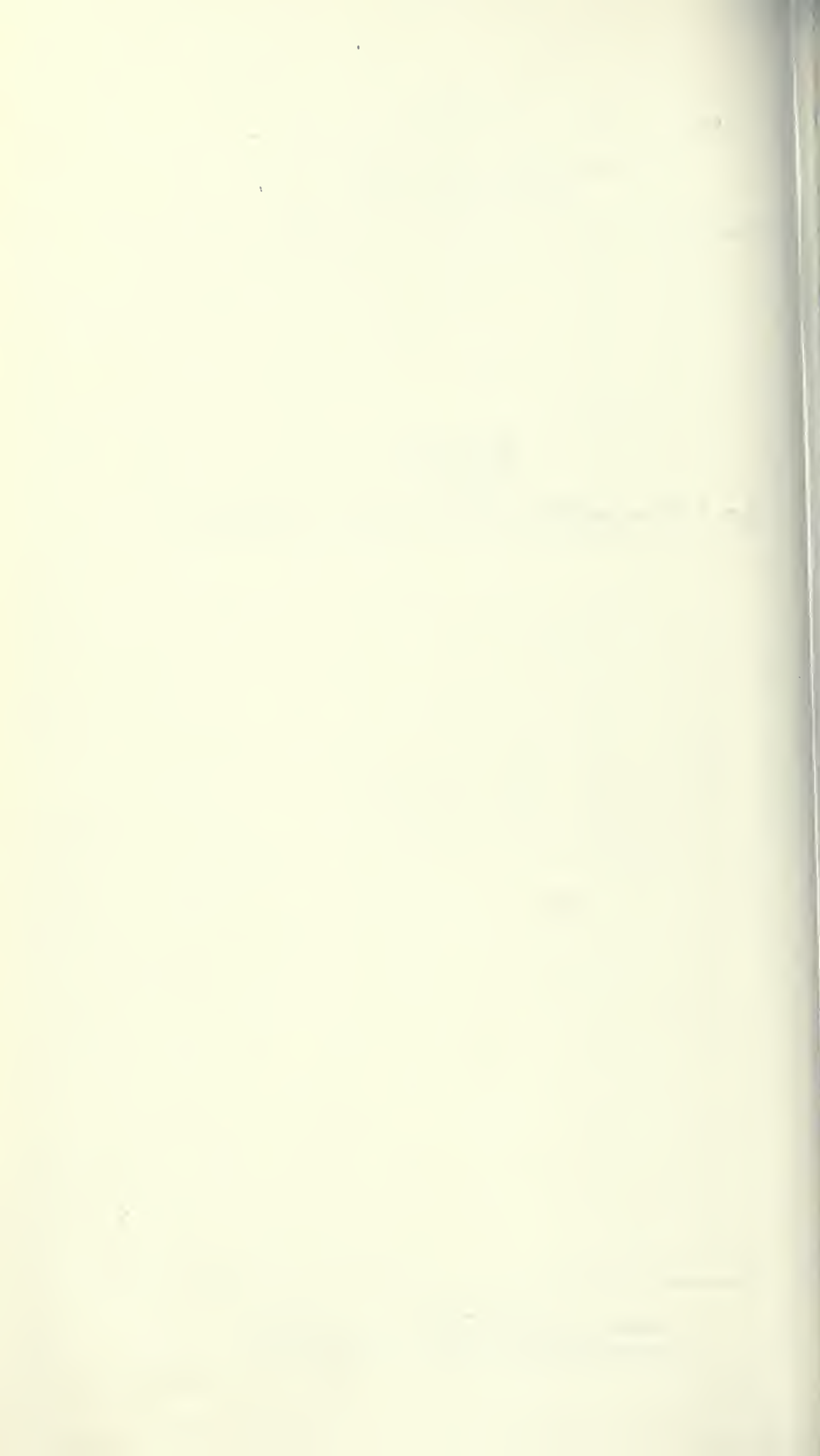
3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Brantford

MR. GORDON

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Township of Brantford

WHEREAS The Corporation of the Township of Brantford by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchase of the lands more particularly described in Registered Instrument No. 55024 for the Township of Brantford by The Corporation of the Township of Brantford from the estate of the late William F. Cockshutt is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of the said lands to The Corporation of the Township of Brantford shall be deemed to have had the effect of vesting the said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired under paragraph 63 of subsection 1 of section 388 of *The Municipal Act*. Purchase of
lands
ratified

R.S.O. 1950,
c. 243

2. The sales of the lands, more particularly described in Registered Instruments Nos. 55674, 57032, 57148, 57444, 57905, 62514 and A-4451 for the Township of Brantford, to Gardner-Denver Co. (Canada) Ltd., Carhayes Limited, Cyril D. Henderson, Chiksan of Canada Ltd., Harold E. Boston and William M. Bryden, in Trust, Harold E. Boston and William M. Bryden, in Trust, and Brantford Moulded Plastics Ltd., respectively, from The Corporation of the Township of Brantford are ratified, confirmed and declared to be legal, valid and binding, and each conveyance of the said lands to the said purchasers from the Township of Brantford shall be deemed to have been sold under the authority of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*. Sale of lands
ratified

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Township of Brantford Act*, Short title 1957.

An Act respecting the
Township of Brantford

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 4th, 1957

MR. GORDON

No. 13

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Town of Barrie

MR. JOHNSTON (Simcoe Centre)

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 13

1957

BILL

An Act respecting the Town of Barrie

WHEREAS The Corporation of the Town of Barrie, ^{Preamble} hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any special or general Act, the council of the Corporation is hereby authorized and empowered to ^{Tax exemption authorized} pass by-laws to exempt from municipal taxes, other than local improvement rates, the lands and buildings owned by individuals, corporations or associations, so long as they are used solely for the general benefit of the community or for recreational and social purposes under the supervision of the Recreation Committee of The Corporation of the Town of Barrie, or any successor to that body, or any body appointed by the council of the Corporation to carry out the function of the Recreation Committee.

2. The Corporation may establish by purchase or otherwise a municipally-operated bus transportation system in the ^{Establishment of bus system} Town of Barrie and may own real and personal property for use in connection therewith.

3. Subject to the approval of the Ontario Municipal Board, ^{Debentures} the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned in section 2.

4. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

5. This Act may be cited as *The Town of Barrie Act, 1957*. ^{Short title}

An Act respecting
the Town of Barrie

1st Reading

2nd Reading

3rd Reading

MR. JOHNSTON (Simcoe Centre)

(Private Bill)

No. 13

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting the Town of Barrie

MR. JOHNSTON (Simcoe Centre)

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 13

1957

BILL

An Act respecting the Town of Barrie

WHEREAS The Corporation of the Town of Barrie, ^{Preamble} hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any special or general Act, the council of the Corporation is hereby authorized and empowered to ^{Tax exemption authorized} pass by-laws to exempt from municipal taxes, other than local improvement rates, the lands and buildings owned by individuals, corporations or associations, so long as they are used solely for the general benefit of the community or for recreational and social purposes by the Recreation Committee of The Corporation of the Town of Barrie, or any successor to that body, or any body appointed by the council of the Corporation to carry out the function of the Recreation Committee.
2. The Corporation may establish by purchase or otherwise a municipally-operated bus transportation system in the ^{Establishment of bus system} Town of Barrie and may own real and personal property for use in connection therewith.
3. This Act comes into force on the day it receives Royal ^{Commencement} Assent.
4. This Act may be cited as *The Town of Barrie Act, 1957*. ^{Short title}

An Act respecting
the Town of Barrie

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. JOHNSTON (Simcoe Centre)

(Reprinted as amended by the
Committee on Private Bills)

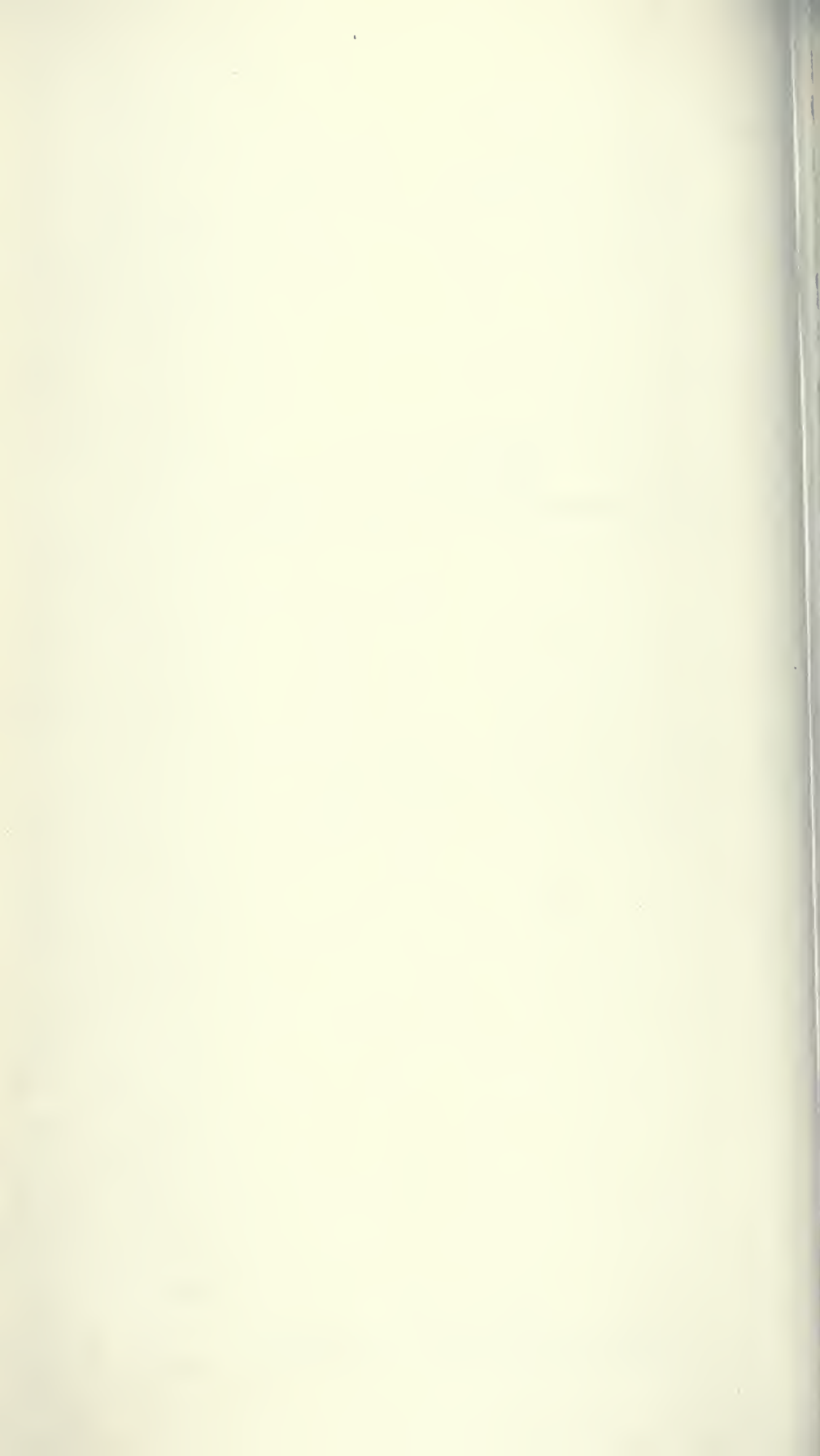
No. 13

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting the Town of Barrie

MR. JOHNSTON (Simcoe Centre)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 13

1957

BILL

An Act respecting the Town of Barrie

WHEREAS The Corporation of the Town of Barrie, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any special or general Act, the council Tax exemption authorized
of the Corporation is hereby authorized and empowered to
pass by-laws to exempt from municipal taxes, other than
local improvement rates, the lands and buildings owned by
individuals, corporations or associations, so long as they are
used solely for the general benefit of the community or for
recreational and social purposes by the Recreation Committee
of The Corporation of the Town of Barrie, or any successor
to that body, or any body appointed by the council of the
Corporation to carry out the function of the Recreation
Committee.

2. The Corporation may establish by purchase or other- Establishment of bus system
wise a municipally-operated bus transportation system in the
Town of Barrie and may own real and personal property for
use in connection therewith.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The Town of Barrie Act, 1957*. Short title

An Act respecting
the Town of Barrie

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. JOHNSTON (Simcoe Centre)

No. 14

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting Carleton College

MR. MORROW

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 14

1957

BILL

An Act respecting Carleton College

WHEREAS Carleton College by its petition has represented that it was incorporated originally in 1943 by letters patent under *The Companies Act* and that subsequently its powers and privileges were enlarged and increased and its name changed by *The Carleton College Act, 1952*, and has prayed for a further change of name and an increase in the number of its Board of Governors; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1937,
c. 251

1952, c. 117

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Carleton College Act, 1952* is amended by striking out "College" wherever it occurs and inserting in lieu thereof "University".

1952, c. 117,
amended

2. Section 8 of *The Carleton College Act, 1952* is repealed and the following substituted therefor:

1952, c. 117,
s. 8,
re-enacted

8. All property heretofore or hereafter granted, conveyed, devised or bequeathed to Carleton University or to Carleton College or to The Ottawa Association for the Advancement of Learning, or to any person in trust for or for the benefit of any of them, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the University.

Trust
property
vested in
University

3. Subsection 1 of section 16 of *The Carleton College Act, 1952* is amended by striking out "twenty-four" in the second line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

1952, c. 117,
s. 16, subs. 1,
amended

(1) The Board shall be composed of the Chancellor, *ex officio*, the President, *ex officio*, and thirty elected members.

Board of
Governors

1952, c. 117, **4.** Section 27 of *The Carleton College Act, 1952* is repealed
 R. 27, and the following substituted therefor:
 re-enacted

Short title **27.** This Act may be cited as *The Carleton University
 Act, 1952*.

Commence- **5.** This Act comes into force on the day it receives Royal
 ment Assent.

Short title **6.** This Act may be cited as *The Carleton University Act,
 1957*.

An Act respecting Carleton College

*1st Reading**2nd Reading**3rd Reading*

MR. MORROW

(*Private Bill*)

No. 14

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting Carleton College

MR. MORROW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 14

1957

BILL

An Act respecting Carleton College

WHEREAS Carleton College by its petition has represented that it was incorporated originally in 1943 by letters patent under *The Companies Act* and that subsequently its powers and privileges were enlarged and increased and its name changed by *The Carleton College Act, 1952*, and has prayed for a further change of name and an increase in the number of its Board of Governors; and whereas it is expedient to grant the prayer of the petition; Preamble
R.S.O. 1937,
c. 251
1952, c. 117

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Carleton College Act, 1952* is amended by striking out "College" wherever it occurs and inserting in lieu thereof "University". 1952, c. 117,
amended

2. Section 8 of *The Carleton College Act, 1952* is repealed and the following substituted therefor: 1952, c. 117,
s. 8,
re-enacted

8. All property heretofore or hereafter granted, conveyed, devised or bequeathed to Carleton University or to Carleton College or to The Ottawa Association for the Advancement of Learning, or to any person in trust for or for the benefit of any of them, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the University. Trust
property
vested in
University

3. Subsection 1 of section 16 of *The Carleton College Act, 1952* is amended by striking out "twenty-four" in the second line and inserting in lieu thereof "thirty", so that the subsection shall read as follows: 1952, c. 117,
s. 16, subs. 1,
amended

(1) The Board shall be composed of the Chancellor, *ex officio*, the President, *ex officio*, and thirty elected members. Board of
Governors

1952, c. 117, s. 27, re-enacted **4.** Section 27 of *The Carleton College Act, 1952* is repealed and the following substituted therefor:

Short title **27.** This Act may be cited as *The Carleton University Act, 1952*.

Commence-
ment **5.** This Act comes into force on the day it receives Royal Assent.

Short title **6.** This Act may be cited as *The Carleton University Act, 1957*.

An Act respecting Carleton College

1st Reading

February 8th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. MORROW

No. 15

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting Community Chest of Greater Toronto

MR. GRAHAM

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 15

1957

BILL

An Act respecting Community Chest of Greater Toronto

WHEREAS Community Chest of Greater Toronto, a Preamble
 corporation incorporated under *The Companies Act* R.S.O. 1937,
 by letters patent bearing date the 3rd day of April, 1944, by
 its petition has prayed for special legislation in respect of the
 matters hereinafter set forth; and whereas it is expedient to
 grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Upon and after the surrender and cancellation of the Bequests,
 charter of Community Chest of Greater Toronto in accord- etc., to
 ance with the provisions of *The Corporations Act, 1953*, all Community
 donations, gifts, legacies, devises, bequests, moneys, securities Chest of
 and property of every description, to which Community Greater
 Chest of Greater Toronto would become entitled if it were Toronto
 still in existence, shall become the property of and all rights 1953, c. 19
 thereto shall be vested in United Community Fund of Greater
 Toronto, a corporation incorporated under *The Corporations
 Act, 1953*, and wherever in any deed of gift or will or other
 instrument of gift or endowment Community Chest of Greater
 Toronto is referred to, or intended to be referred to, such
 reference, upon and after the surrender and cancellation of the
 charter of Community Chest of Greater Toronto, shall be
 deemed to be a reference to United Community Fund of
 Greater Toronto.

2. This Act comes into force on the day it receives Royal Commence-
 Assent. ment

3. This Act may be cited as *The United Community Fund* Short title
of Greater Toronto Act, 1957.

An Act respecting
Community Chest of Greater Toronto

1st Reading

2nd Reading

3rd Reading

MR. GRAHAM

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Community Chest of Greater Toronto

MR. GRAHAM

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 15

1957

BILL

An Act respecting Community Chest of Greater Toronto

WHEREAS Community Chest of Greater Toronto, a Preamble
corporation incorporated under *The Companies Act* R.S.O. 1937
by letters patent bearing date the 3rd day of April, 1944, by c. 251
its petition has prayed for special legislation in respect of the
matters hereinafter set forth; and whereas it is expedient to
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Upon and after the surrender and cancellation of the Bequests,
charter of Community Chest of Greater Toronto in accord- etc., to
ance with the provisions of *The Corporations Act, 1953*, all Community
donations, gifts, legacies, devises, bequests, moneys, securities Chest of
and property of every description, to which Community Greater
Chest of Greater Toronto would become entitled if it were Toronto
still in existence, shall become the property of and all rights 1953, c. 19
thereto shall be vested in United Community Fund of Greater
Toronto, a corporation incorporated under *The Corporations
Act, 1953*, and wherever in any deed of gift or will or other
instrument of gift or endowment Community Chest of Greater
Toronto is referred to, or intended to be referred to, such
reference, upon and after the surrender and cancellation of the
charter of Community Chest of Greater Toronto, shall be
deemed to be a reference to United Community Fund of
Greater Toronto.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The United Community Fund* Short title
of Greater Toronto Act, 1957.

An Act respecting
Community Chest of Greater Toronto

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. GRAHAM

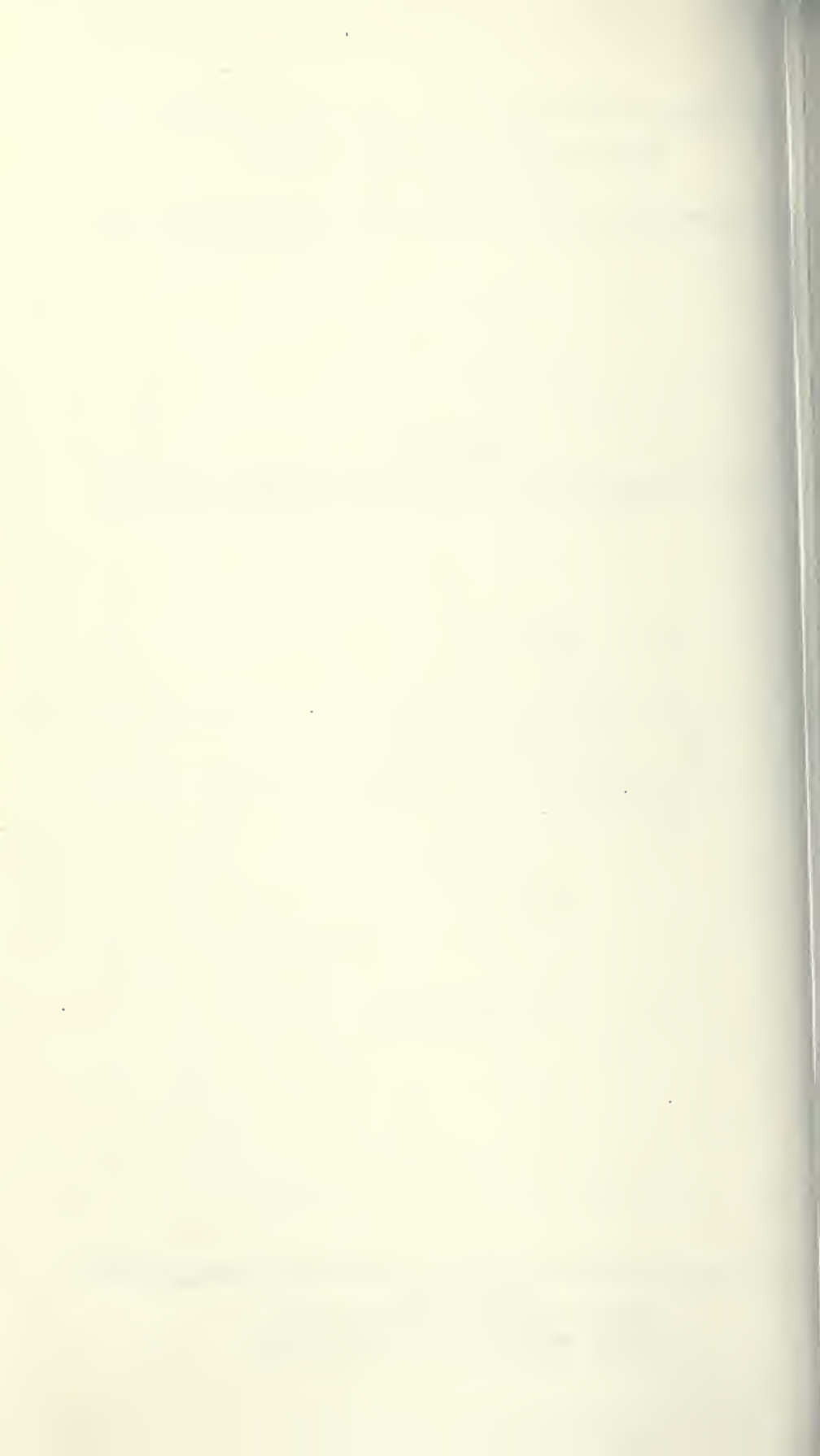
3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The Hamilton Health Association

MR. CHILD

(PRIVATE BILL)



No. 16

1957

BILL

An Act respecting The Hamilton Health Association

WHEREAS The Hamilton Health Association, herein- Preamble
after called the Association, by its petition has represented that it was incorporated by letters patent under *The Companies Act*, being chapter 251 of the Revised Statutes of R.S.O. 1937, c. 251
Ontario, 1937, and was restricted by its objects and by-laws to the isolation, treatment and cure of persons affected with tuberculosis and chronic pulmonary diseases; that the Association has received donations, gifts, devises and bequests to carry on these objects; and that by supplementary letters patent under *The Corporations Act, 1953*, its objects and by-laws have been extended to include the treatment of other illnesses and disabilities; and whereas the Association is desirous of using such donations, gifts, devises and bequests for the treatment of such other illnesses and disabilities in accordance with such extended objects; and whereas the Association has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition; 1953, c. 19

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any trust or limitation created by any donation, gift, devise or bequest heretofore made to The Hamilton Health Association, whether heretofore or hereafter received by the Association, the Association may use such donations, gifts, devises and bequests for the treatment and cure of persons suffering from any disability or affected with any disease or illness in accordance with the objects and by-laws of the Association as extended by supplementary letters patent. Association may use gifts for illnesses in accordance with objects

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Hamilton Health Association Act, 1957*. Short title

An Act respecting
The Hamilton Health Association

1st Reading

2nd Reading

3rd Reading

MR. CHILD

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting The Hamilton Health Association

MR. CHILD

(Reprinted as amended in report by Commissioners of Estate Bills)



No. 16

1957

BILL

An Act respecting The Hamilton Health Association

WHEREAS The Hamilton Health Association, herein- Preamble
after called the Association, by its petition has repre-
sented that it was incorporated by letters patent under *The* R.S.O. 1937,
Companies Act, being chapter 251 of the Revised Statutes of c. 251
Ontario, 1937, and was restricted by its objects and by-laws
to the isolation, treatment and cure of persons affected with
tuberculosis and chronic pulmonary diseases; that the Asso-
ciation has received donations, gifts, devises and bequests to
carry on these objects; and that by supplementary letters
patent under *The Corporations Act, 1953*, its objects and by- 1953, c. 19
laws have been extended to include the treatment of other
illnesses and disabilities; and whereas the Association is
desirous of using such donations, gifts, devises and bequests
for the treatment of such other illnesses and disabilities in
accordance with such extended objects; and whereas the
Association has prayed for special legislation for such pur-
poses; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any trust or limitation created by any Association
donation, gift, devise or bequest heretofore made to The may use
Hamilton Health Association, whether heretofore or hereafter gifts for
received by the Association, the Association may use such purposes
of
donations, gifts, devises and bequests for all or any of the Association
purposes authorized by the supplementary letters patent, and
in accordance with the objects and by-laws of the Association.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Hamilton Health Associa- Short title
tion Act, 1957.*

An Act respecting
The Hamilton Health Association

1st Reading

February 7th, 1957

2nd Reading

3rd Reading

MR. CHUD

(Reprinted as amended in report by
Commissioners of Estate Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

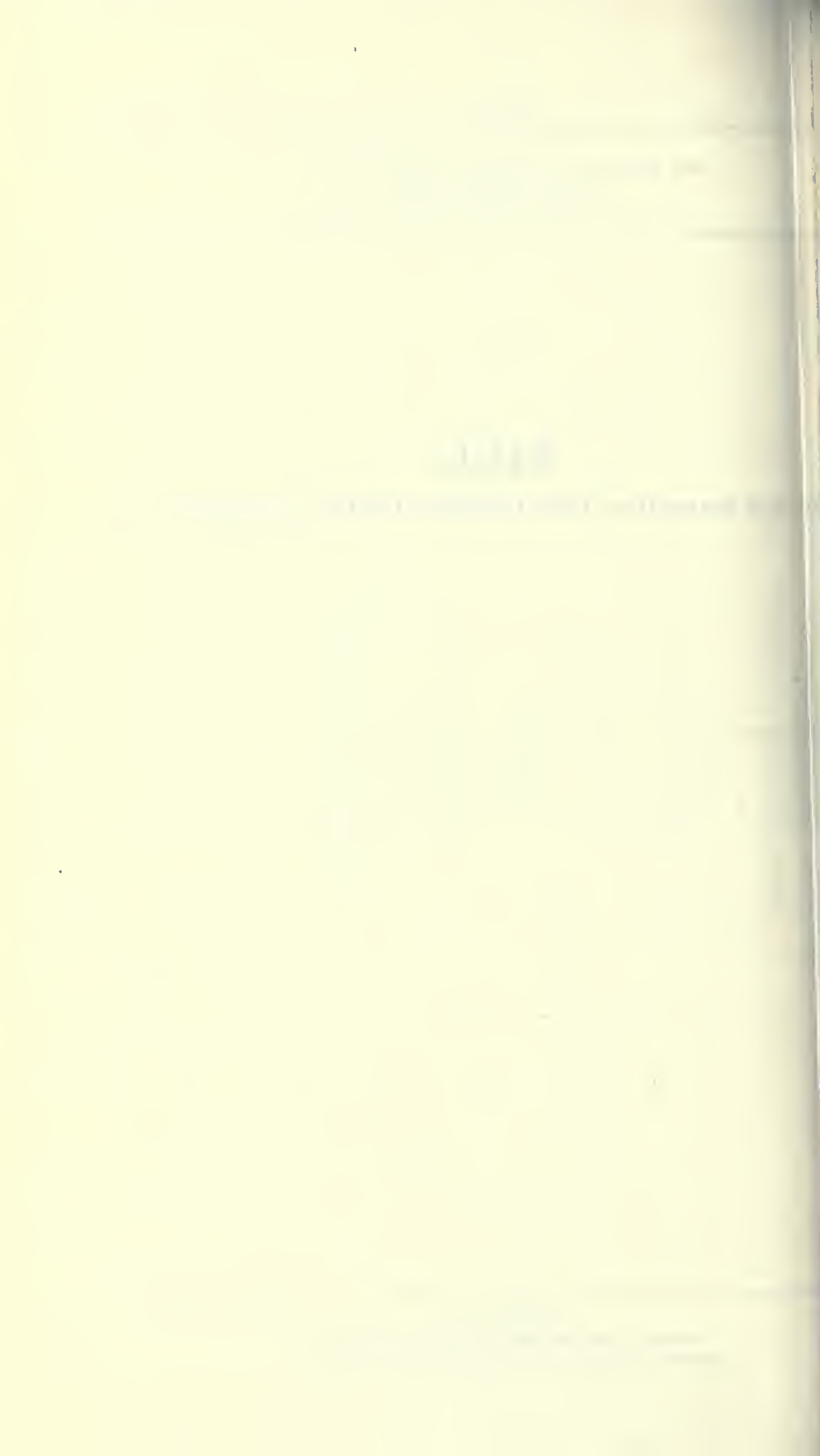
BILL

An Act respecting The Hamilton Health Association

MR. CHILD

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 16

1957

BILL

An Act respecting The Hamilton Health Association

WHEREAS The Hamilton Health Association, herein- Preamble
after called the Association, by its petition has repre-
sented that it was incorporated by letters patent under *The R.S.O. 1937,*
Companies Act, being chapter 251 of the Revised Statutes of c. 251
Ontario, 1937, and was restricted by its objects and by-laws
to the isolation, treatment and cure of persons affected with
tuberculosis and chronic pulmonary diseases; that the Asso-
ciation has received donations, gifts, devises and bequests to
carry on these objects; and that by supplementary letters
patent under *The Corporations Act, 1953*, its objects and by- 1953, c. 19
laws have been extended to include the treatment of other
illnesses and disabilities; and whereas the Association is
desirous of using such donations, gifts, devises and bequests
for the treatment of such other illnesses and disabilities in
accordance with such extended objects; and whereas the
Association has prayed for special legislation for such pur-
poses; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any trust or limitation created by any Association
donation, gift, devise or bequest heretofore made to The may use
Hamilton Health Association, whether heretofore or hereafter gifts for
received by the Association, the Association may use such purposes
of
donations, gifts, devises and bequests for all or any of the Association
purposes authorized by the supplementary letters patent, and
in accordance with the objects and by-laws of the Association.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Hamilton Health Associa- Short title*
tion Act, 1957.

An Act respecting
The Hamilton Health Association

1st Reading

February 7th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

MR. CHILD

No. 17

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting McMaster University

MR. CHILD

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting McMaster University

WHEREAS McMaster University and Hamilton College ^{Preamble} by their petition have represented that McMaster University was incorporated by *An Act to unite Toronto* ^{1887,} *Baptist College and Woodstock College under the name of* ^{c. 95} *McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, and that Hamilton College was incorporated in 1948 by letters patent under *The Companies Act* and is ^{R.S.O. 1937,} ^{c. 251} affiliated with McMaster University; and whereas the petitioners have prayed for special legislation to vary the provisions of the Act of Incorporation of McMaster University so as to unite McMaster University and Hamilton College, remove the University from the restrictions and control of any religious body and revise the constitution and powers of the University; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Governors of the University;
- (b) "Chancellor" means Chancellor of the University;
- (c) "Divinity College" means McMaster Divinity College;
- (d) "President" means President of the University;
- (e) "property" includes all property, both real and personal;
- (f) "Senate" means Senate of the University;
- (g) "University" means McMaster University.

Corporation
continued

2. The corporation of McMaster University is hereby continued as a body corporate with perpetual succession and a common seal under the same name and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Hamilton
College
dissolved
and
property
vested in
University

3. The University and Hamilton College shall be united and Hamilton College is hereby dissolved upon the coming into force of this Act; all property of Hamilton College is hereby vested in the University and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects which Hamilton College had, held, possessed or enjoyed and shall be liable for and subject to all debts and other obligations which Hamilton College was liable for or subject to immediately before its dissolution.

University
non-denomi-
national

4. The University shall continue to be carried on as a Christian school of learning and the management and discipline of the University shall be free from the restrictions and control of any religious body.

Trust
property
vested in
University

5. All property hereafter granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the University or any faculty, school or department thereof or otherwise in connection therewith, or to or to any person in trust for or for the benefit of Hamilton College, Moulton College or Woodstock College, subject to any trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1950,
c. 184

6. The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
University
not liable
to
expropriation

7. Real property vested in the University shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

8. Property vested in the University shall not be liable ^{Tax exemption} to taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation, but the interest of every lessee and occupant (other than an affiliated college or an officer, member of the teaching staff, student, servant or association or society of graduates or undergraduates of the University or of an affiliated college) of real property vested in the University shall be liable to taxation.

9. All real property vested in the University, as far as ^{Application of statute of limitations} the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

10. Except as provided by section 19, the property of the ^{Property to be applied for purposes of University} University shall be applied solely for purposes of the University, but no part of its property other than property hereafter received in trust for purposes of the Faculty of Theology shall be applied for purposes of such Faculty.

11. The funds of the University not immediately required ^{Investment of funds} for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet.

12. Within thirty days after the coming into force of ^{Composition of Board} this Act, the Board shall be reconstituted so as to be composed as follows:

- (a) The Chancellor, President and Vice-President of the University, *ex officio*.
- (b) Twenty-eight members to be elected for terms of four years by the Board, except that twenty of the first twenty-eight such members shall be elected by the Board of Governors of Hamilton College as constituted immediately before the coming into force of this Act.
- (c) Three members to be elected for terms of three years by the Board of Trustees of the Divinity College.
- (d) Five members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (e) Two members to be elected for terms of two years by the teaching staff of the University from among the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University.

Members
eligible for
re-election

13.—(1) All elected members of the Board shall be eligible for re-election.

Eligibility
of staff

(2) No person on the teaching or administrative staff of the University other than the President, Vice-President and two members to be elected under clause *e* of section 12 shall be eligible for membership on the Board.

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least thirty members the Board may exercise its powers and ten members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling of
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Present
members
to continue

(7) The members of the Board now in office shall continue in office until the Board has been reconstituted as provided by section 12.

Records

(8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.

Powers of
Board

14. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff of the University, provided that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate, and to appoint and remove all other officers, agents and servants of the University;

- (b) to fix the number, duties, salaries and other emoluments of all officers, agents and servants of the University;
- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (d) to borrow money for purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

15. Within sixty days after the coming into force of this Act, the Senate shall be reconstituted so as to be composed as follows: Composition
of Senate

- (a) The Chancellor, President and Vice-President, the heads and associate heads of the faculties and colleges which are part of the University, the Director of Extension and the academic heads of colleges affiliated with the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by and from the Board.
- (c) Six members to be elected for terms of three years by the teaching staff of the Faculty of Arts and Science, three of whom shall be elected from the teaching staff of the departments in arts and three from the teaching staff of the departments in science.
- (d) One member from the teaching staff of every faculty of the University other than the Faculty of Arts and Science and from every college affiliated with the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties or colleges.
- (e) Ten members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (f) Two members to be elected for terms of two years by the association of the graduates in theology of the University from among the graduates in theology of the University.

**Members
eligible for
re-election**

16.—(1) All elected members of the Senate shall be eligible for re-election.

Quorum

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members the Senate may exercise its powers and ten members shall constitute a quorum.

Chairman

(3) The President shall be chairman of the Senate and Vice-Chancellor of the University.

Secretary

(4) The Registrar of the University shall be, *ex officio*, Secretary of the Senate.

Vacancies

(5) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.

**Filling of
vacancies**

(6) The Senate may fill any vacancy on the Senate for the balance of the term involved.

**Present
members
to continue**

(7) The members of the Senate now in office shall continue in office until the Senate has been reconstituted as provided by section 15.

**Powers of
Senate**

17. The Senate shall have power,

- (a) to appoint the Chancellor;
- (b) to nominate for appointment by the Board the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff, except in cases of appointments for not more than twelve months;
- (c) to control and regulate the system of education pursued in the University and the conduct, activities and discipline of the students thereof;
- (d) to determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (e) to conduct examinations and appoint examiners;
- (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;

- (g) to confer the degrees of bachelor, master and doctor in the several arts, sciences and faculties, and all other degrees which may appropriately be conferred by a university, including degrees in theology;
- (h) to determine, subject to ratification by the Board, the terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;
- (i) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (j) to make by-laws and regulations for the conduct of its affairs.

18. McMaster Divinity College upon its incorporation shall be affiliated with the University.

McMaster
Divinity
College
affiliated

19. The Board shall have power to transfer or grant to the Divinity College, as may be agreed upon with the Board of Trustees of the Divinity College,

Power of
Board to
transfer
property to
Divinity
College

- (a) property from the endowment of the University having a value of not more than \$1,550,000;
- (b) property held immediately before the coming into force of this Act in trust for purposes of theological education, subject to the trusts thereof;
- (c) property received after the coming into force of this Act under wills and other instruments dated prior thereto in trust for purposes of theological education, subject to the trusts thereof;
- (d) the right to use property and services of the University while the work of the Divinity College is conducted on lands owned by the University.

20. Notwithstanding the provisions of sections 12 and 15, on the first election of members of the Board and Senate after the coming into force of this Act,

First
election
of members
of Board
and
Senate

- (a) one-fifth of those to be elected under each of clause *d* of section 12 and clauses *b* and *e* of section 15 shall be elected for one year, one-fifth for two years, one-fifth for three years, one-fifth for four years and one-fifth for five years;

- (b) one-quarter of those to be elected by each of the Board of Governors of Hamilton College and the Board under clause *b* of section 12 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;
- (c) one-third of those to be elected under each of clause *c* of section 12 and clause *c* of section 15 shall be elected for one year, one-third for two years and one-third for three years;
- (d) one-half of those to be elected under each of clause *e* of section 12 and clause *f* of section 15 shall be elected for one year and one-half for two years.

Repeal:
1887 c. 95.,

1889, c. 91,
s. 2;

1921, c. 134

1949, c. 131

21. *An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, section 2 of *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, *An Act respecting McMaster University*, being chapter 134 of the Statutes of Ontario, 1921, and *The McMaster University Act*, 1949 are repealed.

Commence-
ment

22. This Act comes into force on the 1st day of June, 1957.

Short title

23. This Act may be cited as *The McMaster University Act*, 1957.

1st Reading

2nd Reading

3rd Reading

MR. CHILD

(*Private Bill*)

No. 17

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting McMaster University

MR. CHILD

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting McMaster University

WHEREAS McMaster University and Hamilton College ^{Preamble} by their petition have represented that McMaster University was incorporated by *An Act to unite Toronto^{1887,} Baptist College and Woodstock College under the name of^{c. 95} McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, and that Hamilton College was incorporated in 1948 by letters patent under *The Companies Act* and is ^{R.S.O. 1937,} ^{c. 251} affiliated with McMaster University; and whereas the petitioners have prayed for special legislation to vary the provisions of the Act of Incorporation of McMaster University so as to unite McMaster University and Hamilton College, remove the University from the restrictions and control of any religious body and revise the constitution and powers of the University; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Governors of the University;
- (b) "Chancellor" means Chancellor of the University;
- (c) "Divinity College" means McMaster Divinity College;
- (d) "President" means President of the University;
- (e) "property" includes all property, both real and personal;
- (f) "Senate" means Senate of the University;
- (g) "University" means McMaster University.

Corporation
continued

2. The corporation of McMaster University is hereby continued as a body corporate with perpetual succession and a common seal under the same name and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Hamilton
College
dissolved
and
property
vested in
University

3. The University and Hamilton College shall be united and Hamilton College is hereby dissolved upon the coming into force of this Act; all property of Hamilton College is hereby vested in the University and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects which Hamilton College had, held, possessed or enjoyed and shall be liable for and subject to all debts and other obligations which Hamilton College was liable for or subject to immediately before its dissolution.

University
non-denomi-
national

4. The University shall continue to be carried on as a Christian school of learning and the management and discipline of the University shall be free from the restrictions and control of any religious body.

Trust
property
vested in
University

5. All property hereafter granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the University or any faculty, school or department thereof or otherwise in connection therewith, or to or to any person in trust for or for the benefit of Hamilton College, Moulton College or Woodstock College, subject to any trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1950,
c. 184

6. The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
University
not liable
to
expropriation

7. Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

8. All real property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

9. Except as provided by section 18, the property of the University shall be applied solely for purposes of the University, but no part of its property other than property hereafter received in trust for purposes of the Faculty of Theology shall be applied for purposes of such Faculty. Property to be applied for purposes of University

10. The funds of the University not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet. Investment of funds

11. Within thirty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows: Composition of Board

- (a) The Chancellor, President and Vice-President of the University, *ex officio*.
- (b) Twenty-eight members to be elected for terms of four years by the Board, except that twenty of the first twenty-eight such members shall be elected by the Board of Governors of Hamilton College as constituted immediately before the coming into force of this Act.
- (c) Three members to be elected for terms of three years by the Board of Trustees of the Divinity College.
- (d) Five members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (e) Two members to be elected for terms of two years by the teaching staff of the University from among the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University.

12.—(1) All elected members of the Board shall be eligible for re-election. Members eligible for re-election

(2) No person on the teaching or administrative staff of the University other than the President, Vice-President and two members to be elected under clause e of section 11 shall be eligible for membership on the Board. Eligibility of staff

- Quorum** (3) Notwithstanding any vacancies on the Board, as long as there are at least thirty members the Board may exercise its powers and ten members shall constitute a quorum.
- Chairman** (4) The Board shall elect one of its members to be chairman.
- Vacancies** (5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.
- Filling of vacancies** (6) The Board may fill any vacancy on the Board for the balance of the term involved.
- Present members to continue** (7) The members of the Board now in office shall continue in office until the Board has been reconstituted as provided by section 11.
- Records** (8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.
- Powers of Board** **13.** Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University including, without limiting the generality of the foregoing, power,
- (a) to appoint and remove the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff of the University, provided that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate, and to appoint and remove all other officers, agents and servants of the University;
 - (b) to fix the number, duties, salaries and other emoluments of all officers, agents and servants of the University;
 - (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;

- (d) to borrow money for purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be reconstituted so as to be composed as follows: Composition
of Senate

- (a) The Chancellor, President and Vice-President, the heads and associate heads of the faculties and colleges which are part of the University, the Director of Extension and the academic heads of colleges affiliated with the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by and from the Board.
- (c) Six members to be elected for terms of three years by the teaching staff of the Faculty of Arts and Science, three of whom shall be elected from the teaching staff of the departments in arts and three from the teaching staff of the departments in science.
- (d) One member from the teaching staff of every faculty of the University other than the Faculty of Arts and Science and from every college affiliated with the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties or colleges.
- (e) Ten members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (f) Two members to be elected for terms of two years by the association of the graduates in theology of the University from among the graduates in theology of the University.

15.—(1) All elected members of the Senate shall be eligible for re-election. Members
eligible for
re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members the Senate may exercise its powers and ten members shall constitute a quorum. Quorum

- Chairman** (3) The President shall be chairman of the Senate and Vice-Chancellor of the University.
- Secretary** (4) The Registrar of the University shall be, *ex officio*, Secretary of the Senate.
- Vacancies** (5) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.
- Filling of vacancies** (6) The Senate may fill any vacancy on the Senate for the balance of the term involved.
- Present members to continue** (7) The members of the Senate now in office shall continue in office until the Senate has been reconstituted as provided by section 14.
- Powers of Senate** **16.** The Senate shall have power,
- (a) to appoint the Chancellor;
 - (b) to nominate for appointment by the Board the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff, except in cases of appointments for not more than twelve months;
 - (c) to control and regulate the system of education pursued in the University and the conduct, activities and discipline of the students thereof;
 - (d) to determine all courses of study, including standards for admission into the University and qualifications for degrees;
 - (e) to conduct examinations and appoint examiners;
 - (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (g) to confer the degrees of bachelor, master and doctor in the several arts, sciences and faculties, and all other degrees which may appropriately be conferred by a university, including degrees in theology;

- (h) to determine, subject to ratification by the Board, the terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;
- (i) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (j) to make by-laws and regulations for the conduct of its affairs.

17. McMaster Divinity College upon its incorporation shall be affiliated with the University.

McMaster
Divinity
College
affiliated

18. The Board shall have power to transfer or grant to the Divinity College, as may be agreed upon with the Board of Trustees of the Divinity College,

Power of
Board to
transfer
property to
Divinity
College

- (a) property from the endowment of the University having a value of not more than \$1,550,000;
- (b) property held immediately before the coming into force of this Act in trust for purposes of theological education, subject to the trusts thereof;
- (c) property received after the coming into force of this Act under wills and other instruments dated prior thereto in trust for purposes of theological education, subject to the trusts thereof;
- (d) the right to use property and services of the University while the work of the Divinity College is conducted on lands owned by the University.

19. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate after the coming into force of this Act,

First
election
of members
of Board
and
Senate

- (a) one-fifth of those to be elected under each of clause *d* of section 11 and clauses *b* and *e* of section 14 shall be elected for one year, one-fifth for two years, one-fifth for three years, one-fifth for four years and one-fifth for five years;
- (b) one-quarter of those to be elected by each of the Board of Governors of Hamilton College and the Board under clause *b* of section 11 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;

- (c) one-third of those to be elected under each of clause *c* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years;
- (d) one-half of those to be elected under each of clause *e* of section 11 and clause *f* of section 14 shall be elected for one year and one-half for two years.

Repeal: **20.** *An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, section 2 of *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, *An Act respecting McMaster University*, being chapter 134 of the Statutes of Ontario, 1921, and *The McMaster University Act*, 1949 are repealed.

Commence- **21.** This Act comes into force on the 1st day of June, 1957.
ment

Short title **22.** This Act may be cited as *The McMaster University Act*, 1957.

1st Reading

February 12th, 1957

2nd Reading

3rd Reading

MR. CHILD

*(Reprinted as amended by the
Committee on Private Bills)*

No. 17

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting McMaster University

MR. CHILD

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 17

1957

BILL

An Act respecting McMaster University

WHEREAS McMaster University and Hamilton College Preamble by their petition have represented that McMaster University was incorporated by *An Act to unite Toronto 1887, Baptist College and Woodstock College under the name of* ^{c. 95} *McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, and that Hamilton College was incorporated in 1948 by letters patent under *The Companies Act* and is ^{R.S.O. 1937, c. 251} affiliated with McMaster University; and whereas the petitioners have prayed for special legislation to vary the provisions of the Act of Incorporation of McMaster University so as to unite McMaster University and Hamilton College, remove the University from the restrictions and control of any religious body and revise the constitution and powers of the University; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Governors of the University;
- (b) "Chancellor" means Chancellor of the University;
- (c) "Divinity College" means McMaster Divinity College;
- (d) "President" means President of the University;
- (e) "property" includes all property, both real and personal;
- (f) "Senate" means Senate of the University;
- (g) "University" means McMaster University.

Corporation
continued

2. The corporation of McMaster University is hereby continued as a body corporate with perpetual succession and a common seal under the same name and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Hamilton
College
dissolved
and
property
vested in
University

3. The University and Hamilton College shall be united and Hamilton College is hereby dissolved upon the coming into force of this Act; all property of Hamilton College is hereby vested in the University and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects which Hamilton College had, held, possessed or enjoyed and shall be liable for and subject to all debts and other obligations which Hamilton College was liable for or subject to immediately before its dissolution.

University
non-denomi-
national

4. The University shall continue to be carried on as a Christian school of learning and the management and discipline of the University shall be free from the restrictions and control of any religious body.

Trust
property
vested in
University

5. All property hereafter granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the University or any faculty, school or department thereof or otherwise in connection therewith, or to or to any person in trust for or for the benefit of Hamilton College, Moulton College or Woodstock College, subject to any trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1950,
c. 184

6. The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
University
not liable
to
expropriation

7. Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

8. All real property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

9. Except as provided by section 18, the property of the University shall be applied solely for purposes of the University, but no part of its property other than property hereafter received in trust for purposes of the Faculty of Theology shall be applied for purposes of such Faculty. Property to be applied for purposes of University

10. The funds of the University not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet. Investment of funds

11. Within thirty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows: Composition of Board

- (a) The Chancellor, President and Vice-President of the University, *ex officio*.
- (b) Twenty-eight members to be elected for terms of four years by the Board, except that twenty of the first twenty-eight such members shall be elected by the Board of Governors of Hamilton College as constituted immediately before the coming into force of this Act.
- (c) Three members to be elected for terms of three years by the Board of Trustees of the Divinity College.
- (d) Five members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (e) Two members to be elected for terms of two years by the teaching staff of the University from among the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University.

12.—(1) All elected members of the Board shall be eligible for re-election. Members eligible for re-election

(2) No person on the teaching or administrative staff of the University other than the President, Vice-President and two members to be elected under clause *e* of section 11 shall be eligible for membership on the Board. Eligibility of staff

- Quorum** (3) Notwithstanding any vacancies on the Board, as long as there are at least thirty members the Board may exercise its powers and ten members shall constitute a quorum.
- Chairman** (4) The Board shall elect one of its members to be chairman.
- Vacancies** (5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.
- Filling of vacancies** (6) The Board may fill any vacancy on the Board for the balance of the term involved.
- Present members to continue** (7) The members of the Board now in office shall continue in office until the Board has been reconstituted as provided by section 11.
- Records** (8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.
- Powers of Board** **13.** Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University including, without limiting the generality of the foregoing, power,
- (a) to appoint and remove the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff of the University, provided that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate, and to appoint and remove all other officers, agents and servants of the University;
 - (b) to fix the number, duties, salaries and other emoluments of all officers, agents and servants of the University;
 - (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;

- (d) to borrow money for purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be reconstituted so as to be composed as follows: Composition
of Senate

- (a) The Chancellor, President and Vice-President, the heads and associate heads of the faculties and colleges which are part of the University, the Director of Extension and the academic heads of colleges affiliated with the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by and from the Board.
- (c) Six members to be elected for terms of three years by the teaching staff of the Faculty of Arts and Science, three of whom shall be elected from the teaching staff of the departments in arts and three from the teaching staff of the departments in science.
- (d) One member from the teaching staff of every faculty of the University other than the Faculty of Arts and Science and from every college affiliated with the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties or colleges.
- (e) Ten members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (f) Two members to be elected for terms of two years by the association of the graduates in theology of the University from among the graduates in theology of the University.

15.—(1) All elected members of the Senate shall be eligible for re-election. Members
eligible for
re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members the Senate may exercise its powers and ten members shall constitute a quorum.

- Chairman** (3) The President shall be chairman of the Senate and Vice-Chancellor of the University.
- Secretary** (4) The Registrar of the University shall be, *ex officio*, Secretary of the Senate.
- Vacancies** (5) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.
- Filling of vacancies** (6) The Senate may fill any vacancy on the Senate for the balance of the term involved.
- Present members to continue** (7) The members of the Senate now in office shall continue in office until the Senate has been reconstituted as provided by section 14.
- Powers of Senate** **16.** The Senate shall have power,
- (a) to appoint the Chancellor;
 - (b) to nominate for appointment by the Board the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff, except in cases of appointments for not more than twelve months;
 - (c) to control and regulate the system of education pursued in the University and the conduct, activities and discipline of the students thereof;
 - (d) to determine all courses of study, including standards for admission into the University and qualifications for degrees;
 - (e) to conduct examinations and appoint examiners;
 - (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (g) to confer the degrees of bachelor, master and doctor in the several arts, sciences and faculties, and all other degrees which may appropriately be conferred by a university, including degrees in theology;

(h) to determine, subject to ratification by the Board, the terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;

(i) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;

(j) to make by-laws and regulations for the conduct of its affairs.

17. McMaster Divinity College upon its incorporation shall be affiliated with the University. McMaster
Divinity
College
affiliated

18. The Board shall have power to transfer or grant to the Divinity College, as may be agreed upon with the Board of Trustees of the Divinity College, Power of
Board to
transfer
property to
Divinity
College

(a) property from the endowment of the University having a value of not more than \$1,550,000;

(b) property held immediately before the coming into force of this Act in trust for purposes of theological education, subject to the trusts thereof;

(c) property received after the coming into force of this Act under wills and other instruments dated prior thereto in trust for purposes of theological education, subject to the trusts thereof;

(d) the right to use property and services of the University while the work of the Divinity College is conducted on lands owned by the University.

19. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate after the coming into force of this Act, First
election
of members
of Board
and
Senate

(a) one-fifth of those to be elected under each of clause *d* of section 11 and clauses *b* and *e* of section 14 shall be elected for one year, one-fifth for two years, one-fifth for three years, one-fifth for four years and one-fifth for five years;

(b) one-quarter of those to be elected by each of the Board of Governors of Hamilton College and the Board under clause *b* of section 11 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;

- (c) one-third of those to be elected under each of clause *c* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years;
- (d) one-half of those to be elected under each of clause *e* of section 11 and clause *f* of section 14 shall be elected for one year and one-half for two years.

Repeal: **20.** *An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, section 2 of *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, *An Act respecting McMaster University*, being chapter 134 of the Statutes of Ontario, 1921, and *The McMaster University Act, 1949* are repealed.

Commence-
ment **21.** This Act comes into force on the 1st day of June, 1957.

Short title **22.** This Act may be cited as *The McMaster University Act, 1957*.

1st Reading

February 12th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. CHILD

No. 18

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to incorporate McMaster Divinity College

MR. CHILD

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act to incorporate McMaster Divinity College

WHEREAS the persons mentioned in section 2 by their Preamble petition have represented that the work of training ministers, missionaries and other religious workers of the Christian faith was carried on by Canadian Literary Institute which was incorporated by chapter 217 of the Statutes of Canada, 1857, its name having been changed to Woodstock College by chapter 68 of the Statutes of Ontario, 1883, that the said work was continued by Toronto Baptist College which was incorporated by chapter 87 of the Statutes of Ontario, 1881, and by McMaster University which was incorporated by chapter 95 of the Statutes of Ontario, 1887, uniting Toronto Baptist College and Woodstock College; and whereas the petitioners have prayed for special legislation incorporating them under the name of McMaster Divinity College and granting the corporation all such powers and rights as may be necessary or convenient to enable it to continue under the auspices of the Baptist Convention of Ontario and Quebec the work heretofore carried on by McMaster University of training ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "Board" means Board of Trustees of the College;
- (b) "College" means McMaster Divinity College;
- (c) "Convention" means Baptist Convention of Ontario and Quebec;
- (d) "Principal" means Principal of the College;

(e) "property" includes all property, both real and personal;

(f) "Senate" means Senate of the College;

(g) "University" means McMaster University.

College
Incorporated

2. George Adam, of the City of Montreal in the Province of Quebec, Collamer C. Calvin, of the City of Toronto in the Province of Ontario, Thomas Camelford, of the Town of Dunnville in the Province of Ontario, Charles P. Fell and E. Carey Fox, of the said City of Toronto, the Reverend George P. Gilmour, of the City of Hamilton in the Province of Ontario, Arnold G. Hitchon, of the City of Brantford in the Province of Ontario, George L. Holmes, of the said City of Toronto, the Reverend Stuart Ivison, of the City of Ottawa in the Province of Ontario, Lloyd D. Jackson, of the said City of Hamilton, the Honourable Mr. Justice Roy L. Kellock, of the said City of Ottawa, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway and the Reverend Robert F. Sneyd, of the said City of Toronto, Major General A. E. Walford, of the said City of Montreal, Harry A. Willis, of the said City of Toronto, and the Reverend Daniel Young, of the City of London in the Province of Ontario, are hereby constituted a body corporate with perpetual succession and a common seal under the name of McMaster Divinity College.

Purpose

3. The purpose of the College shall be to train ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination.

Trust
property
vested in
College

4. All property granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trusts affecting the same, shall be vested in the College.

Property

R.S.O. 1950,
c. 184

5. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
College
not liable
to ex-
propriation

6. Real property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other

corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

7. Property vested in the College shall not be liable to ^{Tax exemption} taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation, but the interest of every lessee and occupant (other than an officer, member of the teaching staff, student, servant or association or society of graduates or undergraduates of the College) of real property vested in the College shall be liable to taxation.

8. All real property vested in the College, as far as the ^{Application of statute of limitations} application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

9. Except as provided by section 18, the property of the ^{Property to be applied for purposes of College} College shall be applied solely for purposes of the College.

10. The funds of the College not immediately required ^{Investment of funds} for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet.

11. The said George Adam, Collamer C. Calvin, Thomas Camelford, Charles P. Fell, E. Carey Fox, the Reverend George P. Gilmour, Arnold G. Hitchon, George L. Holmes, the Reverend Stuart Ivison, Lloyd D. Jackson, the Honourable Mr. Justice Roy L. Kellock, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway, the Reverend Robert F. Sneyd, Major General A. E. Walford, Harry A. Willis and the Reverend Daniel Young shall constitute the provisional Board ^{Provisional Board} of Trustees of the College and shall act until the Board has been reconstituted as provided by section 12.

12. Within twenty days after the coming into force of ^{Composition of Board} this Act, the Board shall be reconstituted so as to be composed as follows:

- (a) The Principal of the College and the President of the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by the Convention from persons nominated by the nominating committee of the Convention, provided that if no meeting of the Convention at which such

members may be elected is held within the said twenty days, such members may be elected at the first meeting of the Convention thereafter.

- (c) Three members to be elected for terms of three years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958.
- (d) Three members to be elected for terms of three years by the Board.

Members
eligible for
re-election

13.—(1) All elected members of the Board shall be eligible for re-election.

Eligibility
of staff

(2) No person on the teaching or administrative staff of the College other than the Principal shall be eligible for membership on the Board.

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least fourteen members the Board may exercise its powers and five members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Records

(7) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College.

Report

(8) The Board shall present a report of its work annually to the Convention.

Powers of
Board

14. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the College and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the Principal, professors and other members of the teaching staff and all other

officers, agents and servants of the College, provided that all academic appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate;

- (b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the College;
- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (d) to borrow money for purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

15. Within sixty days after the coming into force of this Act, the Senate shall be constituted so as to be composed as follows: Composition of Senate

- (a) The Principal of the College and the Dean of Theology of the University, *ex officio*.
- (b) Eight members to be elected for terms of four years by and from the Board.
- (c) Three members to be elected for terms of three years by and from the teaching staff of the College.
- (d) Four members to be elected for terms of four years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958, from among the said graduates.

16.—(1) All elected members of the Senate shall be eligible for re-election. Members eligible for re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least twelve members the Senate may exercise its powers and six members shall constitute a quorum. Quorum

(3) The Principal shall be chairman of the Senate. Chairman

- Vacancies (4) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.
- Filling vacancies (5) The Senate may fill any vacancy on the Senate for the balance of the term involved.
- Report (6) The Senate shall present a report of its work annually to the Convention.
- Powers of Senate **17.** The Senate shall have power,
- (a) to nominate for appointment by the Board the Principal, professors and other members of the teaching staff except in cases of appointments for not more than twelve months;
 - (b) to control and regulate the system of education pursued in the College and the conduct, activities and discipline of the students thereof;
 - (c) to determine all courses of study, including standards for admission into the College and qualifications for degrees, diplomas and certificates granted by the College;
 - (d) to conduct examinations and appoint examiners;
 - (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (f) to grant such degrees, diplomas and certificates as may appropriately be granted by a divinity college, including degrees in theology;
 - (g) to determine, subject to ratification by the Board, the terms on which any faculty or department may be established in the College or any school may become part of the College;
 - (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
 - (i) to make by-laws and regulations for the conduct of its affairs.
- Power to grant use of property to University **18.** The Board shall have power to grant to the University, as may be agreed upon with the Board of Governors of the

University, the right to use property and services of the College while the work of the College is conducted on lands owned by the University.

19. Notwithstanding the provisions of sections 12 and 15, on the first election of members of the Board and Senate,

First
election of
members
of Board
and
Senate

- (a) two of those to be elected under clause *b* of section 12 shall be elected for one year, two for two years, two for three years, two for four years and two for five years;
- (b) one-quarter of those to be elected under each of clauses *b* and *d* of section 15 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;
- (c) one-third of those to be elected under each of clauses *c* and *d* of section 12 and clause *c* of section 15 shall be elected for one year, one-third for two years and one-third for three years.

20. This Act comes into force on the 1st day of June, 1957.

Commence-
ment

21. This Act may be cited as *The McMaster Divinity College Act, 1957*.

Short title



1st Reading

2nd Reading

3rd Reading

MR. CHILD

(*Private Bill*)

No. 18

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

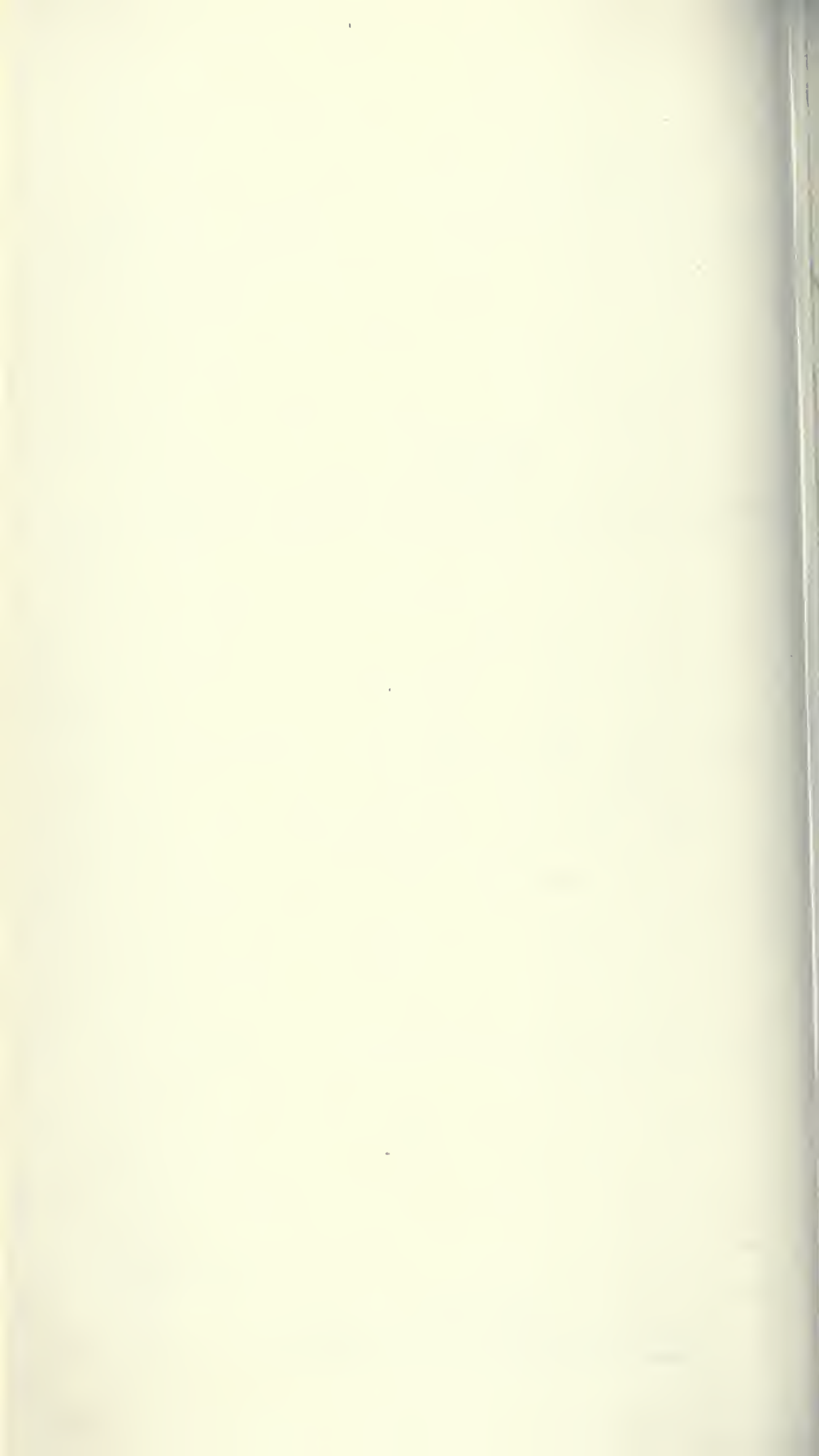
BILL

An Act to incorporate McMaster Divinity College

MR. CHILD

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act to incorporate McMaster Divinity College

WHEREAS the persons mentioned in section 2 by their Preamble
petition have represented that the work of training ministers, missionaries and other religious workers of the Christian faith was carried on by Canadian Literary Institute which was incorporated by chapter 217 of the Statutes of Canada, 1857, its name having been changed to Woodstock College by chapter 68 of the Statutes of Ontario, 1883, that the said work was continued by Toronto Baptist College which was incorporated by chapter 87 of the Statutes of Ontario, 1881, and by McMaster University which was incorporated by chapter 95 of the Statutes of Ontario, 1887, uniting Toronto Baptist College and Woodstock College; and whereas the petitioners have prayed for special legislation incorporating them under the name of McMaster Divinity College and granting the corporation all such powers and rights as may be necessary or convenient to enable it to continue under the auspices of the Baptist Convention of Ontario and Quebec the work heretofore carried on by McMaster University of training ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Trustees of the College;
- (b) "College" means McMaster Divinity College;
- (c) "Convention" means Baptist Convention of Ontario and Quebec;
- (d) "Principal" means Principal of the College;

(e) "property" includes all property, both real and personal;

(f) "Senate" means Senate of the College;

(g) "University" means McMaster University.

College
incorporated

2. George Adam, of the City of Montreal in the Province of Quebec, Collamer C. Calvin, of the City of Toronto in the Province of Ontario, Thomas Camelford, of the Town of Dunnville in the Province of Ontario, Charles P. Fell and E. Carey Fox, of the said City of Toronto, the Reverend George P. Gilmour, of the City of Hamilton in the Province of Ontario, Arnold G. Hitchon, of the City of Brantford in the Province of Ontario, George L. Holmes, of the said City of Toronto, the Reverend Stuart Ivison, of the City of Ottawa in the Province of Ontario, Lloyd D. Jackson, of the said City of Hamilton, the Honourable Mr. Justice Roy L. Kellock, of the said City of Ottawa, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway and the Reverend Robert F. Sneyd, of the said City of Toronto, Major General A. E. Walford, of the said City of Montreal, Harry A. Willis, of the said City of Toronto, and the Reverend Daniel Young, of the City of London in the Province of Ontario, are hereby constituted a body corporate with perpetual succession and a common seal under the name of McMaster Divinity College.

Purpose

3. The purpose of the College shall be to train ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination.

Trust
property
vested in
College

4. All property granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trusts affecting the same, shall be vested in the College.

Property

5. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
College
not liable
to ex-
propriation

6. Real property vested in the College shall not be liable to be entered upon, used or taken by any corporation except a

municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

7. All real property vested in the College, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

8. Except as provided by section 17, the property of the College shall be applied solely for purposes of the College.

9. The funds of the College not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet.

10. The said George Adam, Collamer C. Calvin, Thomas Camelford, Charles P. Fell, E. Carey Fox, the Reverend George P. Gilmour, Arnold G. Hitchon, George L. Holmes, the Reverend Stuart Ivison, Lloyd D. Jackson, the Honourable Mr. Justice Roy L. Kellock, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway, the Reverend Robert F. Sneyd, Major General A. E. Walford, Harry A. Willis and the Reverend Daniel Young shall constitute the provisional Board of Trustees of the College and shall act until the Board has been reconstituted as provided by section 11.

11. Within twenty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows:

- (a) The Principal of the College and the President of the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by the Convention from persons nominated by the nominating committee of the Convention, provided that if no meeting of the Convention at which such members may be elected is held within the said twenty days, such members may be elected at the first meeting of the Convention thereafter.
- (c) Three members to be elected for terms of three years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958.

- (d) Three members to be elected for terms of three years by the Board.

Members
eligible for
re-election

12.—(1) All elected members of the Board shall be eligible for re-election.

Eligibility
of staff

(2) No person on the teaching or administrative staff of the College other than the Principal shall be eligible for membership on the Board.

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least fourteen members the Board may exercise its powers and five members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Records

(7) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College.

Report

(8) The Board shall present a report of its work annually to the Convention.

Powers of
Board

13. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the College and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the Principal, professors and other members of the teaching staff and all other officers, agents and servants of the College, provided that all academic appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate;
- (b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the College;

- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (d) to borrow money for purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be constituted so as to be composed as follows: Composition of Senate

- (a) The Principal of the College and the Dean of Theology of the University, *ex officio*.
- (b) Eight members to be elected for terms of four years by and from the Board.
- (c) Three members to be elected for terms of three years by and from the teaching staff of the College.
- (d) Four members to be elected for terms of four years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958, from among the said graduates.

15.—(1) All elected members of the Senate shall be eligible for re-election. Members eligible for re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least twelve members the Senate may exercise its powers and six members shall constitute a quorum. Quorum

(3) The Principal shall be chairman of the Senate. Chairman

(4) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member. Vacancies

(5) The Senate may fill any vacancy on the Senate for the balance of the term involved. Filling vacancies

(6) The Senate shall present a report of its work annually to the Convention. Report

Powers
of Senate**16.** The Senate shall have power,

- (a) to nominate for appointment by the Board the Principal, professors and other members of the teaching staff except in cases of appointments for not more than twelve months;
- (b) to control and regulate the system of education pursued in the College and the conduct, activities and discipline of the students thereof;
- (c) to determine all courses of study, including standards for admission into the College and qualifications for degrees, diplomas and certificates granted by the College;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (f) to grant such degrees, diplomas and certificates as may appropriately be granted by a divinity college, including degrees in theology;
- (g) to determine, subject to ratification by the Board, the terms on which any faculty or department may be established in the College or any school may become part of the College;
- (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (i) to make by-laws and regulations for the conduct of its affairs.

Power to
grant use
of property
to
University

17. The Board shall have power to grant to the University, as may be agreed upon with the Board of Governors of the University, the right to use property and services of the College while the work of the College is conducted on lands owned by the University.

First
election of
members
of Board
and
Senate

18. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate,

- (a) two of those to be elected under clause *b* of section 11 shall be elected for one year, two for two years, two for three years, two for four years and two for five years;

- (b) one-quarter of those to be elected under each of clauses *b* and *d* of section 14 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;
- (c) one-third of those to be elected under each of clauses *c* and *d* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years.

19. This Act comes into force on the 1st day of June, 1957. ^{Commence-}
^{ment}

20. This Act may be cited as *The McMaster Divinity* ^{Short title}
College Act, 1957.



1st Reading

February 8th, 1957

2nd Reading

3rd Reading

MR. CHUD

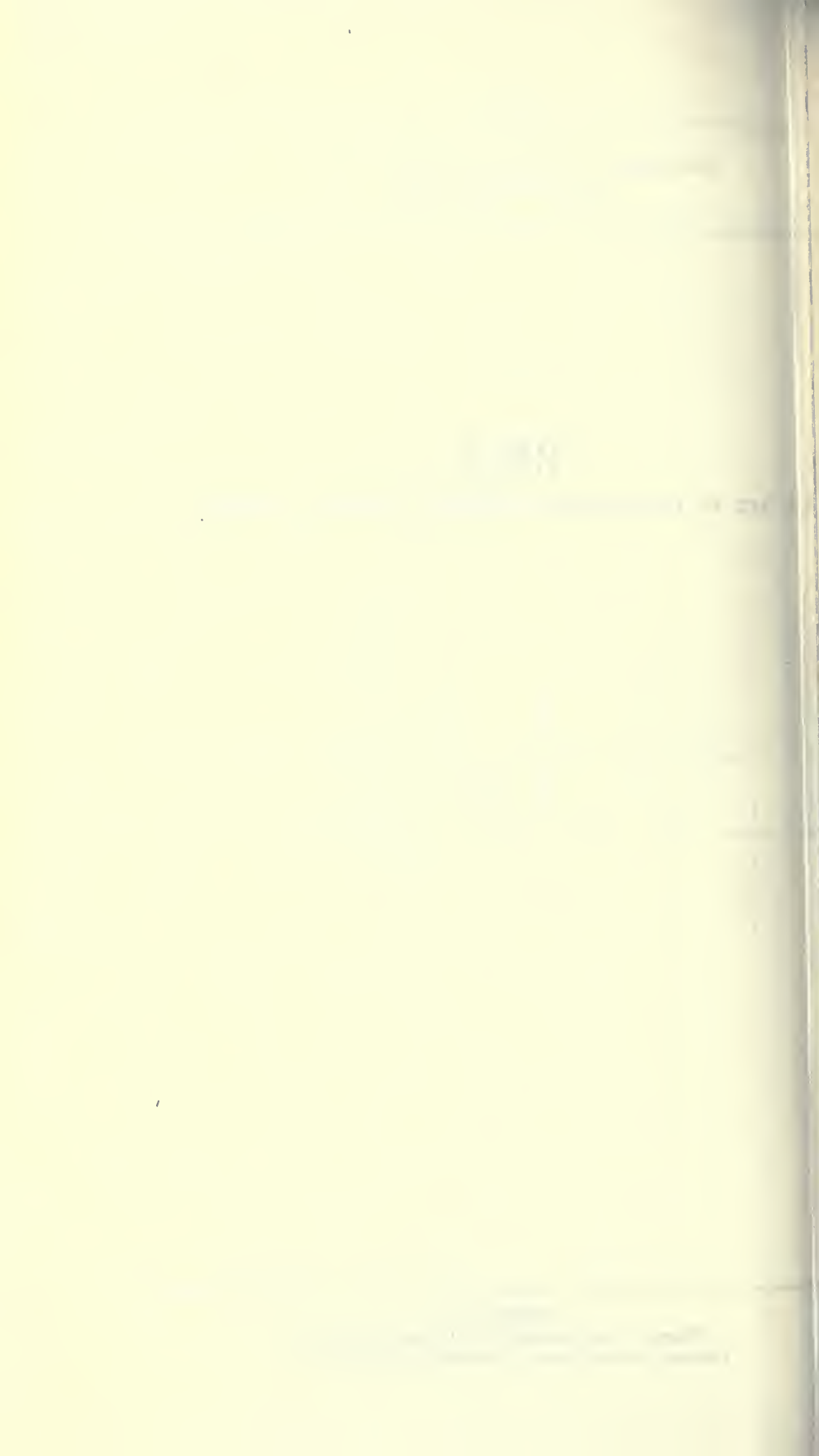
(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to incorporate McMaster Divinity College

MR. CHILD



BILL

An Act to incorporate McMaster Divinity College

WHEREAS the persons mentioned in section 2 by their Preamble
petition have represented that the work of training ministers, missionaries and other religious workers of the Christian faith was carried on by Canadian Literary Institute which was incorporated by chapter 217 of the Statutes of Canada, 1857, its name having been changed to Woodstock College by chapter 68 of the Statutes of Ontario, 1883, that the said work was continued by Toronto Baptist College which was incorporated by chapter 87 of the Statutes of Ontario, 1881, and by McMaster University which was incorporated by chapter 95 of the Statutes of Ontario, 1887, uniting Toronto Baptist College and Woodstock College; and whereas the petitioners have prayed for special legislation incorporating them under the name of McMaster Divinity College and granting the corporation all such powers and rights as may be necessary or convenient to enable it to continue under the auspices of the Baptist Convention of Ontario and Quebec the work heretofore carried on by McMaster University of training ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Trustees of the College;
- (b) "College" means McMaster Divinity College;
- (c) "Convention" means Baptist Convention of Ontario and Quebec;
- (d) "Principal" means Principal of the College;

(e) "property" includes all property, both real and personal;

(f) "Senate" means Senate of the College;

(g) "University" means McMaster University.

College
Incorporated

2. George Adam, of the City of Montreal in the Province of Quebec, Collamer C. Calvin, of the City of Toronto in the Province of Ontario, Thomas Camelford, of the Town of Dunnville in the Province of Ontario, Charles P. Fell and E. Carey Fox, of the said City of Toronto, the Reverend George P. Gilmour, of the City of Hamilton in the Province of Ontario, Arnold G. Hitchon, of the City of Brantford in the Province of Ontario, George L. Holmes, of the said City of Toronto, the Reverend Stuart Ivison, of the City of Ottawa in the Province of Ontario, Lloyd D. Jackson, of the said City of Hamilton, the Honourable Mr. Justice Roy L. Kellock, of the said City of Ottawa, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway and the Reverend Robert F. Sneyd, of the said City of Toronto, Major General A. E. Walford, of the said City of Montreal, Harry A. Willis, of the said City of Toronto, and the Reverend Daniel Young, of the City of London in the Province of Ontario, are hereby constituted a body corporate with perpetual succession and a common seal under the name of McMaster Divinity College.

Purpose

3. The purpose of the College shall be to train ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination.

Trust
property
vested in
College

4. All property granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trusts affecting the same, shall be vested in the College.

Property

R.S.O. 1950,
c. 184

5. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
College
not liable
to ex-
propriation

6. Real property vested in the College shall not be liable to be entered upon, used or taken by any corporation except a

municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

7. All real property vested in the College, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application
of statute
of
limitations

8. Except as provided by section 17, the property of the College shall be applied solely for purposes of the College.

Property to
be applied
for
purposes
of College

9. The funds of the College not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet.

Investment
of funds

10. The said George Adam, Collamer C. Calvin, Thomas Camelford, Charles P. Fell, E. Carey Fox, the Reverend George P. Gilmour, Arnold G. Hitchon, George L. Holmes, the Reverend Stuart Ivison, Lloyd D. Jackson, the Honourable Mr. Justice Roy L. Kellock, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway, the Reverend Robert F. Sneyd, Major General A. E. Walford, Harry A. Willis and the Reverend Daniel Young shall constitute the provisional Board of Trustees of the College and shall act until the Board has been reconstituted as provided by section 11.

Provisional
Board

11. Within twenty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows:

Composition
of Board

- (a) The Principal of the College and the President of the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by the Convention from persons nominated by the nominating committee of the Convention, provided that if no meeting of the Convention at which such members may be elected is held within the said twenty days, such members may be elected at the first meeting of the Convention thereafter.
- (c) Three members to be elected for terms of three years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958.

- (d) Three members to be elected for terms of three years by the Board.

Members
eligible for
re-election

12.—(1) All elected members of the Board shall be eligible for re-election.

Eligibility
of staff

(2) No person on the teaching or administrative staff of the College other than the Principal shall be eligible for membership on the Board.

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least fourteen members the Board may exercise its powers and five members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Records

(7) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College.

Report

(8) The Board shall present a report of its work annually to the Convention.

Powers of
Board

13. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the College and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, power,

(a) to appoint and remove the Principal, professors and other members of the teaching staff and all other officers, agents and servants of the College, provided that all academic appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate;

(b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the College;

- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (d) to borrow money for purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be constituted so as to be composed as follows: Composition of Senate

- (a) The Principal of the College and the Dean of Theology of the University, *ex officio*.
- (b) Eight members to be elected for terms of four years by and from the Board.
- (c) Three members to be elected for terms of three years by and from the teaching staff of the College.
- (d) Four members to be elected for terms of four years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958, from among the said graduates.

15.—(1) All elected members of the Senate shall be eligible for re-election. Members eligible for re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least twelve members the Senate may exercise its powers and six members shall constitute a quorum. Quorum

(3) The Principal shall be chairman of the Senate. Chairman

(4) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member. Vacancies

(5) The Senate may fill any vacancy on the Senate for the balance of the term involved. Filling vacancies

(6) The Senate shall present a report of its work annually to the Convention. Report

Powers
of Senate

16. The Senate shall have power,

- (a) to nominate for appointment by the Board the Principal, professors and other members of the teaching staff except in cases of appointments for not more than twelve months;
- (b) to control and regulate the system of education pursued in the College and the conduct, activities and discipline of the students thereof;
- (c) to determine all courses of study, including standards for admission into the College and qualifications for degrees, diplomas and certificates granted by the College;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (f) to grant such degrees, diplomas and certificates as may appropriately be granted by a divinity college, including degrees in theology;
- (g) to determine, subject to ratification by the Board, the terms on which any faculty or department may be established in the College or any school may become part of the College;
- (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (i) to make by-laws and regulations for the conduct of its affairs.

Power to
grant use
of property
to
University

17. The Board shall have power to grant to the University, as may be agreed upon with the Board of Governors of the University, the right to use property and services of the College while the work of the College is conducted on lands owned by the University.

First
election of
members
of Board
and
Senate

18. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate,

- (a) two of those to be elected under clause *b* of section 11 shall be elected for one year, two for two years, two for three years, two for four years and two for five years;

- (b) one-quarter of those to be elected under each of clauses *b* and *d* of section 14 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;
- (c) one-third of those to be elected under each of clauses *c* and *d* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years.

19. This Act comes into force on the 1st day of June, 1957. Commence-
ment

20. This Act may be cited as *The McMaster Divinity College Act, 1957*. Short title



1st Reading

February 8th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. CHILD

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting
The Board of Education for the City of Windsor

MR. DAVIES

(PRIVATE BILL)



No. 19

1957

BILL

An Act respecting The Board of Education for the City of Windsor

WHEREAS The Board of Education for the City of ^{Preamble} Windsor by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1957, the revised ^{Pension plan ratified} Pension Plan of The Board of Education for the City of Windsor, set forth as the Schedule hereto, is declared to be legal, valid and binding upon the Board and the Board is hereby empowered to carry out all its obligations that might arise thereunder.
2. The said revised Pension Plan may be amended by the ^{Amendment of Plan} Board only with the approval and consent of the Minister of Education.
3. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.
4. This Act may be cited as *The Windsor Board of Education* ^{Short title} Act, 1957.

SCHEDULE

THE BOARD OF EDUCATION OF THE CITY OF WINDSOR NON-TEACHING EMPLOYEES' PENSION PLAN

ARTICLE I

DEFINITIONS

1. "Board" means the Board of Education of the city of Windsor.
2. "Earnings" means the total salary or wages received each year as an employee of the Board but does not include the value of any benefits arising from the employment.
3. "Effective Date" means the 30th June, 1956.
4. "Employee" means an employee of the Board who is regularly employed upon a full-time basis, and is classified as a permanent employee. It includes a former employee who is receiving or is entitled to receive a pension under this or the Original Plan. It does not include casual, seasonal or part-time employees who do not work normally for at least 1,000 hours in a year; or one who is teaching or contributing to, or is eligible to contribute to the Teachers' Superannuation Fund.
5. "Employment" means employment with the Board both before and after the effective date.
6. "Insurer" means and includes the Annuities Branch of the Department of Labour, and insurance companies licensed to and carrying on business in Ontario.
7. "Original Plan" means the Retirement Annuity Plan effective as of May 1, 1944, and includes any scheme or arrangement under which contributions were made by the Board or its employees prior to the effective date.
8. "Participant" means an employee who is a contributor to and is eligible for benefits under this Plan.
9. "Plan" means this Plan and "Auxiliary Plan" means the Plan established under Article XIII and incorporated herein.
10. "Retire" or "retirement" means retiring from the employment upon or after normal, early or late retirement date.
11. "Retirement Date" means the date on which the employee retires from the employment, and
 - (i) "Normal retirement date" means the last day of the month in which an employee attains his 65th birthday, and
 - (ii) "Early retirement date" means the date subsequent to the attainment of his 55th birthday on which an employee, with the consent of the Board, retires from the employment, and
 - (iii) "Late retirement date" means the date subsequent to the normal retirement date on which the employee retires from the employment.
12. "Service" is synonymous with employment.
13. "Total and permanent disability" means in the sole opinion of the Board, incapacity by reason of bodily injury or disease to perform the duties assigned or to engage in any regular occupation or employment except for rehabilitation purposes, and affirmed by the opinion of a qualified physician that such disability will be permanent, and such disability is not self-inflicted, or results from addiction to alcohol, narcotics, engaging in any unlawful act, or arising from service in the armed forces of any country.

14. "Year" means a full year.

The singular shall include the plural and the masculine the feminine, wherever appropriate.

ARTICLE II

ELIGIBILITY

1. (a) Any non-teaching employee of the Board at June 30, 1956, who is not contributing to the Teachers' Superannuation Fund will be permitted to participate in this Plan commencing July 1, 1956, provided he has fulfilled the following requirements on July 1, 1956:

- (i) has not attained normal retirement date,
- (ii) has completed one or more years of continuous service with the Board,
- (iii) has been appointed to the permanent staff with approval of the Board.

(b) Where a non-teaching employee of the Board on June 30, 1956, is not contributing to the Teachers' Superannuation Fund and has not fulfilled the above requirements at June 30, 1956, such employee will be permitted to participate in this Plan commencing on January 1st following fulfillment of all of the above requirements.

(c) If any of the above employees do not join the Plan within 30 days following the date on which they become eligible to do so, then such employee may join this Plan on any subsequent January 1st while it is in force, but in such event, no retirement benefits shall accrue to the employee in respect of service prior to the date on which he becomes a member, except to the extent provided by contributions made by himself and on his behalf under the Original Plan.

2. Any person becoming a non-teaching employee of the Board on or after July 1, 1956, and who is not contributing to the Teachers' Superannuation Fund, shall be required as a condition of continued employment by the Board to become a participant in the Plan on January 1st following fulfillment of all of the following requirements:

- (i) has not attained normal retirement date,
- (ii) has completed one year of continuous service with the Board,
- (iii) has been appointed to the permanent staff with the approval of the Board,
- (iv) has attained age 30 if a female,
- (v) had not attained age 50 when employed.

3. An employee eligible to become a participant in the Plan must authorize the Board, in writing, to deduct the required contributions from his earnings and to transfer, together with any accrued interest thereon to his credit under the Plan, the contributions, if any, which he made prior to the effective date under the Original Plan.

ARTICLE III

FUTURE SERVICE PENSION

1. For each employee who becomes a participant and makes the contributions required hereunder, the yearly pension payable to him when he attains normal retirement date or retires, whichever last occurs, for service subsequent to the effective date, shall be 1½% of the total earnings on which he has made contributions in accordance with the terms of this Plan.

ARTICLE IV

PAST SERVICE PENSION

1. Each employee who was eligible to and did make contributions under the Original Plan will receive, in addition to the pension provided under Article III hereof, a pension in respect of service prior to the effective date, the yearly amount of which will be the greater of,

- (a) the total pension benefit accumulated by the joint contributions of the Board and the employee under the Original Plan, or
- (b) 1% of the yearly earnings of the employee at the effective date times years of service prior to the effective date.

2. If a participant made contributions during the years 1951-1955, the pension in respect of the years 1951-1955, inclusive, shall not be less than 1½% of his average earnings during the said years for each year of service during said period 1951-1955.

ARTICLE V

CONTRIBUTIONS BY EMPLOYEES

1. Each employee who is participating in the Plan, shall contribute by payroll deduction an amount which is 4% of the earnings received in each year up to and including that in which he attains his 40th birthday, and 6% of the earnings received in each year subsequent to the year in which he attains his 40th birthday.

ARTICLE VI

CONTRIBUTIONS BY THE BOARD

For Future Service:

1. Each year the Board will pay over the amount which is required in addition to the contributions of the employee to purchase the pension benefits accrued for such year. The amount of such payment shall be as determined by the insurer or by the Actuary.

2. Payment of such amount by the Board shall be in full settlement of its liability under this Plan in respect of such year.

For Past Service:

3. The Board will pay the additional cost of the benefits for past service provided under Article IV hereof.

ARTICLE VII

EARLY RETIREMENT PENSION

1. An employee may, with the consent of the Board, retire within the 10-year period prior to his normal retirement date. In such event, the employee shall be entitled to receive,

- (a) a deferred pension determined on the basis of earnings and service as at the date of actual retirement, and the payments of which will commence at normal retirement date, or
- (b) a pension payable immediately, determined as though at the time of leaving he had attained his normal retirement date but actuarially reduced to his then attained age.

2. The amount of any reduced pension shall be determined upon the basis of tables established by the Actuary.

ARTICLE VIII

LATE RETIREMENT PENSION

1. If the employee, with the consent of the Board, remains in employment subsequent to his attaining normal retirement date, such service shall not be included in determining pension benefits nor shall he make further contributions under this Plan.

2. Upon retirement, he shall be paid a pension of the same amount as would have been payable had he retired at his normal retirement date.

3. If an employee who is retained in the employment after his normal retirement date has acquired pension benefits under a contract with an insurer, the pension so payable shall commence at the normal retirement date. In such event, the Board may, in its absolute discretion, adjust the remuneration payable to such employee by reducing it by an amount not greater than the amount of the pension benefit so payable.

ARTICLE IX

DISABILITY PENSION

1. An employee who has been in the employment for twenty (20) years and has become totally and permanently disabled, shall be entitled to receive a pension the amount of which shall be determined as though the employee had, at the date of disability, attained normal retirement date.

2. Any employee receiving a disability pension may be required to submit to medical examination from time to time but not more often than once a year. If, on the basis of such examination, he is found to be no longer totally and permanently disabled, or if he engages in gainful occupation other than for purposes of rehabilitation, pension payments shall cease. In the event the employee refuses to submit to medical examinations, his pension payments will cease until he submits to examination.

3. If the disability pension has ceased for any reason, the employee will, upon his attaining normal retirement date, be entitled to receive a pension based upon his service at that time.

4. Should an employee who has received a disability pension return to the employment upon the cessation of such disability, his period of absence shall be dealt with as approved leave of absence because of illness.

ARTICLE X

TERMINATION OF SERVICE

1. If an employee leaves the employment for any reason other than death and has acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall make application for such pension when he has attained normal retirement date. Such application shall be made in writing addressed to the Board. The employee shall furnish the Board with such information as it may request, and failing the receipt of such application and information, pension shall not be paid.

2. If an employee leaves the employment and has not acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall be paid in a lump sum an amount equal to the total contributions made by him under this or a previous plan together with interest thereon at 3% per annum.

3. If an employee who has acquired a vested right to a pension has left the employment and dies before attaining normal retirement date, there shall be paid to his beneficiary, estate or personal representatives, an amount equal to the total of his contributions together with interest. If such refund is payable to a spouse or dependant, it may be paid in

instalments over a period not in excess of ten (10) years, otherwise payment will be made in a lump sum to the designated beneficiary, estate or personal representatives of the deceased employee.

ARTICLE XI

DEATH AFTER RETIREMENT

1. If an employee retires leaving no surviving widow or dependent child or children and has not elected to have the pension continue to a surviving contingent annuitant, and dies before sixty (60) monthly payments have been made, the payments shall continue and be paid to his designated beneficiary, or, failing such, to his estate or personal representatives until sixty (60) monthly payments in all have been made; provided, however, that where the pension had been provided through a contract with an insurer, the settlement will be in accordance with the terms of such contract.

ARTICLE XII

BENEFITS TO WIDOWS AND CHILDREN

1. In the case of an employee who,

- (a) dies while in the employment and after twenty (20) years of continuous service, or
- (b) dies after he has retired from the employment and is receiving or is eligible to receive a pension under this Plan,

and such employee leaves a surviving widow, there shall be paid to such widow a pension the amount of which shall be,

- (c) in the case of an employee who dies in the employment after twenty (20) years of continuous service, one-half the pension to which such employee would have been entitled under this Plan, had he attained normal retirement date and retired as at the date of death; and
- (d) in the case of an employee who had retired, one-half of the pension which such employee was receiving or entitled to receive as at the date of death.

2. A pension shall not be paid to the widow of an employee if she married such employee after he had attained age 55, or had retired, or left the employment prior to a retirement date. If any surviving widow is more than ten (10) years younger than the deceased husband, the pension shall be reduced by 2% for each complete year by which the age of the widow is more than ten (10) years younger than the deceased husband.

3. The pension shall be paid to the widow during her lifetime or until she remarries.

4. If an employee dies and leaves surviving him only a dependent child or children under 18 years of age, or dependent by reason of mental or physical disability, a pension shall be paid to or for the support of such child or children of the same amount as would be payable if the employee had left a widow entitled to receive a pension hereunder, and without reduction for any reason. Such pension shall be paid during the period of disability or until the youngest child has attained his 18th birthday, whichever is later.

5. In making payments to or for a child or children, the Board may determine the person to whom they will be paid.

ARTICLE XIII

AUXILIARY PENSION PLAN

1. An Auxiliary Pension Plan is hereby established upon the following terms and conditions:

Eligibility:

2. Every employee who is not eligible to participate in the Plan by reason of having attained his 50th birthday when employed, may elect to participate in the Auxiliary Plan. Any such election must be made on a prescribed form and filed with the Board. It must authorize the Board to withhold from the earnings of the employee the amount which he desires to contribute under the Plan.

Contributions:

3. By employee—Each employee who so elects shall contribute by payroll deductions an amount which is not less than 6% or more than 10% of his yearly earnings.

4. By the Board—The Board shall contribute yearly on behalf of each employee who is a contributor, an amount which is 6% of the yearly earnings of the employee.

Application of Contributions:

5. All contributions will be paid over to a Trustee (and who may be the Trustee of the Plan). The Trustee shall hold such monies for the account of the contributing employees. Not less often than once a year there shall be credited to the account of each employee, a proportional share of the profits arising from the investments of the money, or conversely, each account shall be debited with a proportional share of any loss.

6. The amount at the credit of the employee at any particular time shall be the total as at the last time profits or losses were allocated amongst the employees' accounts, plus such further contributions as were made, and a proportion of such profits, if any, as were actually received by the Trustee subsequent to the previous allocation.

Benefit Upon Retirement:

7. Upon attaining retirement age and retiring, the Trustee shall apply the amount at the credit of the employee as a single premium on an annuity contract issued by an insurer, and under which the employee will receive periodical payments during his lifetime. Subject to agreement by the Trustees, who may consult with the employee, the contract shall be on a life contingency basis without loan values and may,

- (i) have a guaranteed period of payment not in excess of 10 years, or
- (ii) be for a reduced amount with the payments continuing in the same or a reduced amount to a designated contingent annuitant who survives the employee, or
- (iii) provide for such other method of payment as is best adapted to the employee's condition, provided that such method is not prohibited by any law, regulation or ruling enacted by competent authority.

Benefit Upon Separation or Death:

8. If an employee dies while in the employment, there shall be paid to his beneficiary, or, failing such, to his estate or personal representatives, the amount at his credit determined as required herein. If the employee leaves prior to retirement date, he shall be entitled to a deferred pension, the payments to commence when he has attained his normal retirement date. Should, however, the employee request and receive a return of

his contributions, he shall forfeit all rights to any benefits from contributions made by the Board on his behalf.

Other Provisions Applicable:

9. The terms and conditions as set out in this Plan shall apply *mutatis mutandis* to the Auxiliary Plan.

ARTICLE XIV

INTEGRATION WITH OLD AGE PENSION

1. An employee may, by notice in writing addressed to the Board, elect to receive an increased pension up until he attains his 70th birthday after which the amount of such increased payments will be reduced by \$40.00 a month.

2. The amount of the increase in the monthly pension will be based upon the then attained age of the employee in accordance with the following table:

At age 60 the pension will be increased by—	\$16.00
At age 61 the pension will be increased by—	17.00
At age 62 the pension will be increased by—	18.50
At age 63 the pension will be increased by—	20.00
At age 64 the pension will be increased by—	22.00
At age 65 the pension will be increased by—	24.00
At age 66 the pension will be increased by—	26.00
At age 67 the pension will be increased by—	29.00
At age 68 the pension will be increased by—	32.00
At age 69 the pension will be increased by—	36.00

No integration will be made if the age of the employee is under 60. For the purpose of the increase, the age used will be that of the nearest age of the employee at the time the payments commence. Where the pension is provided through an insurance contract, the amount of increase will be determined by the insurer.

ARTICLE XV

VESTING

1. The right to the benefits under this Plan from the contributions made by the Board on his behalf shall vest in the employee as follows:

After completion of 5 full years of employment—	25%
After completion of 6 full years of employment—	30%
After completion of 7 full years of employment—	35%
After completion of 8 full years of employment—	40%
After completion of 9 full years of employment—	45%
After completion of 10 full years of employment—	50%
After completion of 11 full years of employment—	55%
After completion of 12 full years of employment—	60%
After completion of 13 full years of employment—	65%
After completion of 14 full years of employment—	70%
After completion of 15 full years of employment—	75%
After completion of 16 full years of employment—	80%
After completion of 17 full years of employment—	85%
After completion of 18 full years of employment—	90%
After completion of 19 full years of employment—	95%
After completion of 20 full years of employment—	100%

2. The vesting of the right to any benefits shall lapse upon the happening of the following events:

- (a) the employee quits the employment and asks for and receives a return of his contributions made under this or a former Plan;
- (b) the employee quits the employment and dies prior to the commencement of pension payments;

- (c) the employee is dismissed for cause, in which case the Board may, in its absolute discretion, determine the proportion of the benefits purchased by the Board which shall be forfeited.

ARTICLE XVI

DESIGNATED BENEFICIARY

1. An employee may, in writing filed with the Board, appoint a beneficiary who shall, in the event of the death of the employee, be entitled to receive any refund payable under the terms of this Plan. The employee may revoke such appointment, in writing filed with the Board, and the appointment shall lapse on the death of the beneficiary appointed. If no other beneficiary is appointed, payment of any refund shall be made to the estate or personal representatives of the employee.

2. If the pension benefits are being acquired under a contract with an insurer, appointment of a beneficiary must be made in accordance with the requirements of such insurer.

ARTICLE XVII

PAYMENT OF PENSIONS

1. Pensions shall be paid on the first day of each month commencing with the month immediately following that in which the employee has retired and becomes entitled thereto, and shall terminate with the payment made for the month in which the employee dies.

2. The pension to a widow or dependent child or children shall commence on the first day of the month following that in which the employee dies.

3. Where benefits have been acquired and are payable under a contract with an insurer, payments shall be made in accordance with the terms of such contract.

ARTICLE XVIII

FUNDING

1. For purposes of providing the benefits under this Plan, the Board may,

- (a) purchase annuity contracts from an insurer,
- (b) enter into a contract with an insurer for a deposit administration account,
- (c) enter into an agreement with an incorporated trust company in Canada for the establishment of a pension fund.

2. An annuity contract purchased from an insurer shall be issued on a life contingency basis, without loan value and may be,

- (i) on a single life with or without a guaranteed period of payment not in excess of 10 years, or
- (ii) on a last survivor basis with one other life as a contingent annuitant with or without a guaranteed period not in excess of 10 years.

3. Any agreement with an incorporated trust company shall provide that the trust company shall be the Trustee of the Plan. There shall be established by the Trustee a fund or funds which will consist of the contributions made under the Plan and the Auxiliary Plan. The property

of the Funds will be invested and reinvested, and in doing so, need not be restricted to investments authorized by law for Trustees and may be commingled with or form part of a common or pooled fund established by the Trustee. The income, profits and increments, if any, shall accrue to and be a part of the Fund. There shall be paid out of the Fund, from time to time, pensions payable under this Plan.

4. The Trustee may apply for and pay the premiums on annuity contracts for the purpose of securing the benefits payable under this Plan.

5. If the Trustee has purchased an annuity contract payable to a beneficiary hereunder, the assignment and surrender of such contract to the beneficiary shall be in settlement of any pension benefits payable under this Plan to the extent of the amount paid or payable under the contract. Notwithstanding anything contained in this Plan, all rights, benefits or settlements shall be made in accordance with the terms of such contract.

ARTICLE XIX

ASSIGNMENT OR WITHDRAWAL

1. A participant may not withdraw contributions made under this Plan while he is in the employment.

2. Any pension provided hereunder shall be paid only to or for the retired employee, his surviving widow, dependent child or children, or proper joint annuitant. The pension, or any part thereof, or any right or claim to any monies or other part of any fund set up pursuant to this Plan, shall not be anticipated, assigned or otherwise encumbered, nor be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment to whomsoever paid; and any attempted assignment or other encumbrance or attachment, garnishment, execution or levy, shall not be recognized or be of force or effect except to such extent as may be required by law.

ARTICLE XX

ACTUARY

1. The Board may retain a qualified Actuary or a firm of consultants, one of the members of which is a qualified Actuary, for the purpose of determining the costs of the benefits under the Plan, and the amount of any pension payable thereunder. The findings of the Actuary as to the amount of pension payable shall be conclusive and binding upon the Board, the Trustee, the employee and/or the payee.

ARTICLE XXI

INSURANCE CONTRACT SETTLEMENTS

1. Where an insurance contract has been issued pursuant to the provisions of this or the Original Plan, the rights of the employee upon early or late retirement, upon separation from the employment, or upon death before or after retirement, shall, notwithstanding the provisions of this Plan, be governed by the terms of the insurance contract.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. This Plan is intended to replace any former pension plan or scheme under which pensions were provided for the employees of the Board. After the effective date, the contributions made by the employees and the Board will be applied only in accordance with the provisions of this Plan.

2. Any benefits accumulated under a contract or contracts issued by an insurer under a former plan shall be deemed to be benefits provided under this Plan. Such contracts may be used to provide additional benefits and be held as property of any fund created or established with a trustee for the purposes of this Plan.

ARTICLE XXIII

ADMINISTRATION

1. The general administration of the Plan shall be vested in the Board.

2. The Board may delegate to one or more persons, the power, subject to its approval, to

- (a) authorize payment of pensions, disability pensions, widows' and orphans' pensions, death benefits and other benefits, if any, provided for under the Plan,
- (b) establish and enforce rules and procedure for the efficient administration of the Plan,
- (c) determine all matters arising in connection with the operation of the Plan and in particular to interpret the language of and the application of the terms of the Plan,
- (d) prescribe such forms as may be deemed necessary,
- (e) keep all necessary records of the operation of the Plan.

3. The members of the Board or any person to whom such powers or rights are delegated shall not be responsible for any loss or diminution of any fund established under the Plan, except that arising out of their own wilful negligence.

ARTICLE XXIV

RIGHT TO EMPLOYMENT

1. Participation in this Plan shall not increase or decrease the rights of any employee to employment or restrict in any way the right of the Board to make layoffs or enforce discharges.

ARTICLE XXV

CHANGE OR DISCONTINUANCE

1. The Board may, subject to the approval of the Minister of Education, amend or discontinue this Plan at any time. No amendment shall operate to impair or reduce the benefits acquired by an employee as at that time, unless consent is given in writing.

2. If the Plan is discontinued, there shall be an immediate vesting in the employee of all amounts contributed by him and on his behalf and/or the benefits arising therefrom.

ARTICLE XXVI

EVIDENCE OF AGE AND MARRIAGE

1. A participant shall submit proof of age in form satisfactory to the Board. In the absence of conclusive proof, the Board may determine the age of the participant on the basis of evidence submitted to them. Any pension paid on such basis shall be adjusted if proof of age is subsequently produced.

2. A participant shall also furnish the Board with the name of his wife, date of her birth and of marriage to the participant, and the date of birth of each child; particulars of the death of his wife or of any child under 18 years of age.



Bill
An Act respecting
The Board of Education
for the City of Windsor

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. DAVIES

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting

The Board of Education for the City of Windsor

MR. DAVIES

(Reprinted as amended by the Committee on Private Bills)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 19

1957

BILL

An Act respecting The Board of Education for the City of Windsor

WHEREAS The Board of Education for the City of Windsor by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1957, the revised Pension Plan of The Board of Education for the City of Windsor, set forth as the Schedule hereto, is declared to be legal, valid and binding upon the Board and the Board is hereby empowered to carry out all its obligations that might arise thereunder.

Pension
plan
ratified

2. The said revised Pension Plan may be amended by the Board only with the approval and consent of the Minister of Education.

Amendment
of Plan

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Windsor Board of Education Act, 1957*.

Short title

SCHEDULE

THE BOARD OF EDUCATION OF THE CITY OF WINDSOR NON-TEACHING EMPLOYEES' PENSION PLAN

ARTICLE I

DEFINITIONS

1. "Board" means the Board of Education of the city of Windsor.
2. "Earnings" means the total salary or wages received each year as an employee of the Board but does not include the value of any benefits arising from the employment.
3. "Effective Date" means the 30th June, 1956.
4. "Employee" means an employee of the Board who is regularly employed upon a full-time basis, and is classified as a permanent employee. It includes a former employee who is receiving or is entitled to receive a pension under this or the Original Plan. It does not include casual, seasonal or part-time employees who do not work normally for at least 1,000 hours in a year; or one who is teaching or contributing to, or is eligible to contribute to the Teachers' Superannuation Fund.
5. "Employment" means employment with the Board both before and after the effective date.
6. "Insurer" means and includes the Annuities Branch of the Department of Labour, and insurance companies licensed to and carrying on business in Ontario.
7. "Original Plan" means the Retirement Annuity Plan effective as of May 1, 1944, and includes any scheme or arrangement under which contributions were made by the Board or its employees prior to the effective date.
8. "Participant" means an employee who is a contributor to and is eligible for benefits under this Plan.
9. "Plan" means this Plan and "Auxiliary Plan" means the Plan established under Article XIII and incorporated herein.
10. "Retire" or "retirement" means retiring from the employment upon or after normal, early or late retirement date.
11. "Retirement Date" means the date on which the employee retires from the employment, and
 - (i) "Normal retirement date" means the last day of the month in which an employee attains his 65th birthday, and
 - (ii) "Early retirement date" means the date subsequent to the attainment of his 55th birthday on which an employee, with the consent of the Board, retires from the employment, and
 - (iii) "Late retirement date" means the date subsequent to the normal retirement date on which the employee retires from the employment.
12. "Service" is synonymous with employment.
13. "Total and permanent disability" means in the sole opinion of the Board, incapacity by reason of bodily injury or disease to perform the duties assigned or to engage in any regular occupation or employment except for rehabilitation purposes, and affirmed by the opinion of a qualified physician that such disability will be permanent, and such disability is not self-inflicted, or results from addiction to alcohol, narcotics, engaging in any unlawful act, or arising from service in the armed forces of any country.

14. "Year" means a full year.

The singular shall include the plural and the masculine the feminine, wherever appropriate.

ARTICLE II

ELIGIBILITY

1. (a) Any non-teaching employee of the Board at June 30, 1956, who is not eligible to contribute to the Teachers' Superannuation Fund will be permitted to participate in this Plan commencing July 1, 1956, provided he has fulfilled the following requirements on July 1, 1956:

- (i) has not attained normal retirement date,
- (ii) has completed one or more years of continuous service with the Board,
- (iii) has been appointed to the permanent staff with approval of the Board.

(b) Where a non-teaching employee of the Board on June 30, 1956, is not eligible to contribute to the Teachers' Superannuation Fund and has not fulfilled the above requirements at June 30, 1956, such employee will be permitted to participate in this Plan commencing on January 1st following fulfilment of all of the above requirements.

(c) If any of the above employees do not join the Plan within 30 days following the date on which they become eligible to do so, then such employee may join this Plan on any subsequent January 1st while it is in force, but in such event, no retirement benefits shall accrue to the employee in respect of service prior to the date on which he becomes a member, except to the extent provided by contributions made by himself and on his behalf under the Original Plan.

2. Any person becoming a non-teaching employee of the Board on or after July 1, 1956, and who is not eligible to contribute to the Teachers' Superannuation Fund, shall be required as a condition of continued employment by the Board to become a participant in the Plan on January 1st following fulfilment of all of the following requirements:

- (i) has not attained normal retirement date,
- (ii) has completed one year of continuous service with the Board,
- (iii) has been appointed to the permanent staff with the approval of the Board,
- (iv) has attained age 30 if a female,
- (v) had not attained age 50 when employed.

3. An employee eligible to become a participant in the Plan must authorize the Board, in writing, to deduct the required contributions from his earnings and to transfer, together with any accrued interest thereon to his credit under the Plan, the contributions, if any, which he made prior to the effective date under the Original Plan.

ARTICLE III

FUTURE SERVICE PENSION

1. For each employee who becomes a participant and makes the contributions required hereunder, the yearly pension payable to him when he attains normal retirement date or retires, whichever last occurs, for service subsequent to the effective date, shall be 1½% of the total earnings on which he has made contributions in accordance with the terms of this Plan.

ARTICLE IV

PAST SERVICE PENSION

1. Each employee who was eligible to and did make contributions under the Original Plan will receive, in addition to the pension provided under Article III hereof, a pension in respect of service prior to the effective date, the yearly amount of which will be the greater of,

- (a) the total pension benefit accumulated by the joint contributions of the Board and the employee under the Original Plan, or
- (b) 1% of the yearly earnings of the employee at the effective date times years of service prior to the effective date.

2. If a participant made contributions during the years 1951-1955, the pension in respect of the years 1951-1955, inclusive, shall not be less than 1½% of his average earnings during the said years for each year of service during said period 1951-1955.

ARTICLE V

CONTRIBUTIONS BY EMPLOYEES

1. Each employee who is participating in the Plan, shall contribute by payroll deduction an amount which is 4% of the earnings received in each year up to and including that in which he attains his 40th birthday, and 6% of the earnings received in each year subsequent to the year in which he attains his 40th birthday.

ARTICLE VI

CONTRIBUTIONS BY THE BOARD

For Future Service:

1. Each year the Board will pay over the amount which is required in addition to the contributions of the employee to purchase the pension benefits accrued for such year. The amount of such payment shall be as determined by the insurer or by the Actuary.

2. Payment of such amount by the Board shall be in full settlement of its liability under this Plan in respect of such year.

For Past Service:

3. The Board will pay the additional cost of the benefits for past service provided under Article IV hereof.

ARTICLE VII

EARLY RETIREMENT PENSION

1. An employee may, with the consent of the Board, retire within the 10-year period prior to his normal retirement date. In such event, the employee shall be entitled to receive,

- (a) a deferred pension determined on the basis of earnings and service as at the date of actual retirement, and the payments of which will commence at normal retirement date, or
- (b) a pension payable immediately, determined as though at the time of leaving he had attained his normal retirement date but actuarially reduced to his then attained age.

2. The amount of any reduced pension shall be determined upon the basis of tables established by the Actuary.

ARTICLE VIII

LATE RETIREMENT PENSION

1. If the employee, with the consent of the Board, remains in employment subsequent to his attaining normal retirement date, such service shall not be included in determining pension benefits nor shall he make further contributions under this Plan.

2. Upon retirement, he shall be paid a pension of the same amount as would have been payable had he retired at his normal retirement date.

3. If an employee who is retained in the employment after his normal retirement date has acquired pension benefits under a contract with an insurer, the pension so payable shall commence at the normal retirement date. In such event, the Board may, in its absolute discretion, adjust the remuneration payable to such employee by reducing it by an amount not greater than the amount of the pension benefit so payable.

ARTICLE IX

DISABILITY PENSION

1. An employee who has been in the employment for twenty (20) years and has become totally and permanently disabled, shall be entitled to receive a pension the amount of which shall be determined as though the employee had, at the date of disability, attained normal retirement date.

2. Any employee receiving a disability pension may be required to submit to medical examination from time to time but not more often than once a year. If, on the basis of such examination, he is found to be no longer totally and permanently disabled, or if he engages in gainful occupation other than for purposes of rehabilitation, pension payments shall cease. In the event the employee refuses to submit to medical examinations, his pension payments will cease until he submits to examination.

3. If the disability pension has ceased for any reason, the employee will, upon his attaining normal retirement date, be entitled to receive a pension based upon his service at that time.

4. Should an employee who has received a disability pension return to the employment upon the cessation of such disability, his period of absence shall be dealt with as approved leave of absence because of illness.

ARTICLE X

TERMINATION OF SERVICE

1. If an employee leaves the employment for any reason other than death and has acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall make application for such pension when he has attained normal retirement date. Such application shall be made in writing addressed to the Board. The employee shall furnish the Board with such information as it may request, and failing the receipt of such application and information, pension shall not be paid.

2. If an employee leaves the employment and has not acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall be paid in a lump sum an amount equal to the total contributions made by him under this or a previous plan together with interest thereon at 3% per annum.

3. If an employee who has acquired a vested right to a pension has left the employment and dies before attaining normal retirement date, there shall be paid to his beneficiary, estate or personal representatives, an amount equal to the total of his contributions together with interest. If such refund is payable to a spouse or dependant, it may be paid in

instalments over a period not in excess of ten (10) years, otherwise payment will be made in a lump sum to the designated beneficiary, estate or personal representatives of the deceased employee.

ARTICLE XI

DEATH AFTER RETIREMENT

1. If a retired employee dies before sixty (60) monthly pension payments have been made, and leaves no surviving widow or dependent child or children and has not elected to have the pension continue to a surviving contingent annuitant, the payments shall continue and be paid to his designated beneficiary or, failing such, to his estate or personal representatives until sixty (60) monthly payments in all have been made; provided, however, that where the pension has been provided through a contract with an insurer, the settlement will be in accordance with the terms of such contract.

ARTICLE XII

BENEFITS TO WIDOWS AND CHILDREN

1. In the case of an employee who,

- (a) dies while in the employment and after twenty (20) years of continuous service, or
- (b) dies after he has retired from the employment and is receiving or is eligible to receive a pension under this Plan,

and such employee leaves a surviving widow, there shall be paid to such widow a pension the amount of which shall be,

- (c) in the case of an employee who dies in the employment after twenty (20) years of continuous service, one-half the pension to which such employee would have been entitled under this Plan, had he attained normal retirement date and retired as at the date of death; and
- (d) in the case of an employee who had retired, one-half of the pension which such employee was receiving or entitled to receive as at the date of death.

2. A pension shall not be paid to the widow of an employee if she married such employee after he had attained age 55, or had retired, or left the employment prior to a retirement date. If any surviving widow is more than ten (10) years younger than the deceased husband, the pension shall be reduced by 2% for each complete year by which the age of the widow is more than ten (10) years younger than the deceased husband.

3. The pension shall be paid to the widow during her lifetime or until she remarries.

4. If an employee dies and leaves surviving him only a dependent child or children under 18 years of age, or dependent by reason of mental or physical disability, a pension shall be paid to or for the support of such child or children of the same amount as would be payable if the employee had left a widow entitled to receive a pension hereunder, and without reduction for any reason. Such pension shall be paid during the period of disability or until the youngest child has attained his 18th birthday, whichever is later.

5. In making payments to or for a child or children, the Board may determine the person to whom they will be paid.

ARTICLE XIII

AUXILIARY PENSION PLAN

1. An Auxiliary Pension Plan is hereby established upon the following terms and conditions:

Eligibility:

2. Every employee who is not eligible to participate in the Plan by reason of having attained his 50th birthday when employed, may elect to participate in the Auxiliary Plan. Any such election must be made on a prescribed form and filed with the Board. It must authorize the Board to withhold from the earnings of the employee the amount which he desires to contribute under the Plan.

Contributions:

3. By employee—Each employee who so elects shall contribute by payroll deductions an amount which is not less than 6% or more than 10% of his yearly earnings.

4. By the Board—The Board shall contribute yearly on behalf of each employee who is a contributor, an amount which is 6% of the yearly earnings of the employee.

Application of Contributions:

5. All contributions will be paid over to a Trustee (and who may be the Trustee of the Plan). The Trustee shall hold such monies for the account of the contributing employees. Not less often than once a year there shall be credited to the account of each employee, a proportional share of the profits arising from the investments of the money, or conversely, each account shall be debited with a proportional share of any loss.

6. The amount at the credit of the employee at any particular time shall be the total as at the last time profits or losses were allocated amongst the employees' accounts, plus such further contributions as were made, and a proportion of such profits, if any, as were actually received by the Trustee subsequent to the previous allocation.

Benefit Upon Retirement:

7. Upon attaining retirement age and retiring, the Trustee shall apply the amount at the credit of the employee as a single premium on an annuity contract issued by an insurer, and under which the employee will receive periodical payments during his lifetime. Subject to agreement by the Trustees, who may consult with the employee, the contract shall be on a life contingency basis without loan values and may,

- (i) have a guaranteed period of payment not in excess of 10 years, or
- (ii) be for a reduced amount with the payments continuing in the same or a reduced amount to a designated contingent annuitant who survives the employee, or
- (iii) provide for such other method of payment as is best adapted to the employee's condition, provided that such method is not prohibited by any law, regulation or ruling enacted by competent authority.

Benefit Upon Separation or Death:

8. If an employee dies while in the employment, there shall be paid to his beneficiary, or, failing such, to his estate or personal representatives, the amount at his credit determined as required herein. If the employee leaves prior to retirement date, he shall be entitled to a deferred pension, the payments to commence when he has attained his normal retirement date. Should, however, the employee request and receive a return of

his contributions, he shall forfeit all rights to any benefits from contributions made by the Board on his behalf.

Other Provisions Applicable:

9. The terms and conditions as set out in this Plan shall apply *mutatis mutandis* to the Auxiliary Plan.

ARTICLE XIV

INTEGRATION WITH OLD AGE PENSION

1. An employee may, by notice in writing addressed to the Board, elect to receive an increased pension up until he attains his 70th birthday after which the amount of such increased payments will be reduced by \$40.00 a month.

2. The amount of the increase in the monthly pension will be based upon the then attained age of the employee in accordance with the following table:

At age 60 the pension will be increased by—	\$16.00
At age 61 the pension will be increased by—	17.00
At age 62 the pension will be increased by—	18.50
At age 63 the pension will be increased by—	20.00
At age 64 the pension will be increased by—	22.00
At age 65 the pension will be increased by—	24.00
At age 66 the pension will be increased by—	26.00
At age 67 the pension will be increased by—	29.00
At age 68 the pension will be increased by—	32.00
At age 69 the pension will be increased by—	36.00

No integration will be made if the age of the employee is under 60. For the purpose of the increase, the age used will be that of the nearest age of the employee at the time the payments commence. Where the pension is provided through an insurance contract, the amount of increase will be determined by the insurer.

ARTICLE XV

VESTING

1. The right to the benefits under this Plan from the contributions made by the Board on his behalf shall vest in the employee as follows:

After completion of 5 full years of employment—	25%
After completion of 6 full years of employment—	30%
After completion of 7 full years of employment—	35%
After completion of 8 full years of employment—	40%
After completion of 9 full years of employment—	45%
After completion of 10 full years of employment—	50%
After completion of 11 full years of employment—	55%
After completion of 12 full years of employment—	60%
After completion of 13 full years of employment—	65%
After completion of 14 full years of employment—	70%
After completion of 15 full years of employment—	75%
After completion of 16 full years of employment—	80%
After completion of 17 full years of employment—	85%
After completion of 18 full years of employment—	90%
After completion of 19 full years of employment—	95%
After completion of 20 full years of employment—	100%

2. The vesting of the right to any benefits shall lapse upon the happening of the following events:

- (a) the employee quits the employment and asks for and receives a return of his contributions made under this or a former Plan;
- (b) the employee quits the employment and dies prior to the commencement of pension payments;

- (c) the employee is dismissed for cause, in which case the Board may, in its absolute discretion, determine the proportion of the benefits purchased by the Board which shall be forfeited.

ARTICLE XVI

DESIGNATED BENEFICIARY

1. An employee may, in writing filed with the Board, appoint a beneficiary who shall, in the event of the death of the employee, be entitled to receive any refund payable under the terms of this Plan. The employee may revoke such appointment, in writing filed with the Board, and the appointment shall lapse on the death of the beneficiary appointed. If no other beneficiary is appointed, payment of any refund shall be made to the estate or personal representatives of the employee.

2. If the pension benefits are being acquired under a contract with an insurer, appointment of a beneficiary must be made in accordance with the requirements of such insurer.

ARTICLE XVII

PAYMENT OF PENSIONS

1. Pensions shall be paid on the first day of each month commencing with the month immediately following that in which the employee has retired and becomes entitled thereto, and shall terminate with the payment made for the month in which the employee dies.

2. The pension to a widow or dependent child or children shall commence on the first day of the month following that in which the employee dies.

3. Where benefits have been acquired and are payable under a contract with an insurer, payments shall be made in accordance with the terms of such contract.

ARTICLE XVIII

FUNDING

1. For purposes of providing the benefits under this Plan, the Board may,

- (a) purchase annuity contracts from an insurer,
- (b) enter into a contract with an insurer for a deposit administration account,
- (c) enter into an agreement with an incorporated trust company in Canada for the establishment of a pension fund.

2. An annuity contract purchased from an insurer shall be issued on a life contingency basis, without loan value and may be,

- (i) on a single life with or without a guaranteed period of payment not in excess of 10 years, or
- (ii) on a last survivor basis with one other life as a contingent annuitant with or without a guaranteed period not in excess of 10 years.

3. Any agreement with an incorporated trust company shall provide that the trust company shall be the Trustee of the Plan. There shall be established by the Trustee a fund or funds which will consist of the contributions made under the Plan and the Auxiliary Plan. The property

of the Funds will be invested and reinvested in investments authorized for insurance companies under the Canadian and British Insurance Companies Act. The fund so constituted may be commingled with or form part of a common or pooled fund established by the Trustee. The income, profits and increments, if any, shall accrue to and be a part of the Fund. There shall be paid out of the Fund, from time to time, pensions payable under this Plan.

4. The Trustee may apply for and pay the premiums on annuity contracts for the purpose of securing the benefits payable under this Plan.

5. If the Trustee has purchased an annuity contract payable to a beneficiary hereunder, the assignment and surrender of such contract to the beneficiary shall be in settlement of any pension benefits payable under this Plan to the extent of the amount paid or payable under the contract. Notwithstanding anything contained in this Plan, all rights, benefits or settlements shall be made in accordance with the terms of such contract.

ARTICLE XIX

ASSIGNMENT OR WITHDRAWAL

1. A participant may not withdraw contributions made under this Plan while he is in the employment.

2. Any pension provided hereunder shall be paid only to or for the retired employee, his surviving widow, dependent child or children, or proper joint annuitant. The pension, or any part thereof, or any right or claim to any monies or other part of any fund set up pursuant to this Plan, shall not be anticipated, assigned or otherwise encumbered, nor be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment to whomsoever paid; and any attempted assignment or other encumbrance or attachment, garnishment, execution or levy, shall not be recognized or be of force or effect except to such extent as may be required by law.

ARTICLE XX

ACTUARY

1. The Board may retain a qualified Actuary or a firm of consultants, one of the members of which is a qualified Actuary, for the purpose of determining the costs of the benefits under the Plan, and the amount of any pension payable thereunder. The findings of the Actuary as to the amount of pension payable shall be conclusive and binding upon the Board, the Trustee, the employee and/or the payee.

ARTICLE XXI

INSURANCE CONTRACT SETTLEMENTS

1. Where an insurance contract has been issued pursuant to the provisions of this or the Original Plan, the rights of the employee upon early or late retirement, upon separation from the employment, or upon death before or after retirement, shall, notwithstanding the provisions of this Plan, be governed by the terms of the insurance contract.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. This Plan is intended to replace any former pension plan or scheme under which pensions were provided for the employees of the Board. After the effective date, the contributions made by the employees and the Board will be applied only in accordance with the provisions of this Plan.

2. Any benefits accumulated under a contract or contracts issued by an insurer under a former plan shall be deemed to be benefits provided under this Plan. Such contracts may be used to provide additional benefits and be held as property of any fund created or established with a trustee for the purposes of this Plan.

ARTICLE XXIII

ADMINISTRATION

1. The general administration of the Plan shall be vested in the Board.

2. The Board may delegate to one or more persons, the power, subject to its approval, to

- (a) authorize payment of pensions, disability pensions, widows' and orphans' pensions, death benefits and other benefits, if any, provided for under the Plan,
- (b) establish and enforce rules and procedure for the efficient administration of the Plan,
- (c) determine all matters arising in connection with the operation of the Plan and in particular to interpret the language of and the application of the terms of the Plan,
- (d) prescribe such forms as may be deemed necessary,
- (e) keep all necessary records of the operation of the Plan.

3. The members of the Board or any person to whom such powers or rights are delegated shall not be responsible for any loss or diminution of any fund established under the Plan, except that arising out of their own wilful negligence.

ARTICLE XXIV

RIGHT TO EMPLOYMENT

1. Participation in this Plan shall not increase or decrease the rights of any employee to employment or restrict in any way the right of the Board to make layoffs or enforce discharges.

ARTICLE XXV

CHANGE OR DISCONTINUANCE

1. The Board may, subject to the approval of the Minister of Education, amend or discontinue this Plan at any time. No amendment shall operate to impair or reduce the benefits acquired by an employee as at that time, unless consent is given in writing.

2. If the Plan is discontinued, there shall be an immediate vesting in the employee of all amounts contributed by him and on his behalf and/or the benefits arising therefrom.

ARTICLE XXVI

EVIDENCE OF AGE AND MARRIAGE

1. A participant shall submit proof of age in form satisfactory to the Board. In the absence of conclusive proof, the Board may determine the age of the participant on the basis of evidence submitted to them. Any pension paid on such basis shall be adjusted if proof of age is subsequently produced.

2. A participant shall also furnish the Board with the name of his wife, date of her birth and of marriage to the participant, and the date of birth of each child; particulars of the death of his wife or of any child under 18 years of age.

An Act respecting
The Board of Education
for the City of Windsor

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. DAVIES

(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

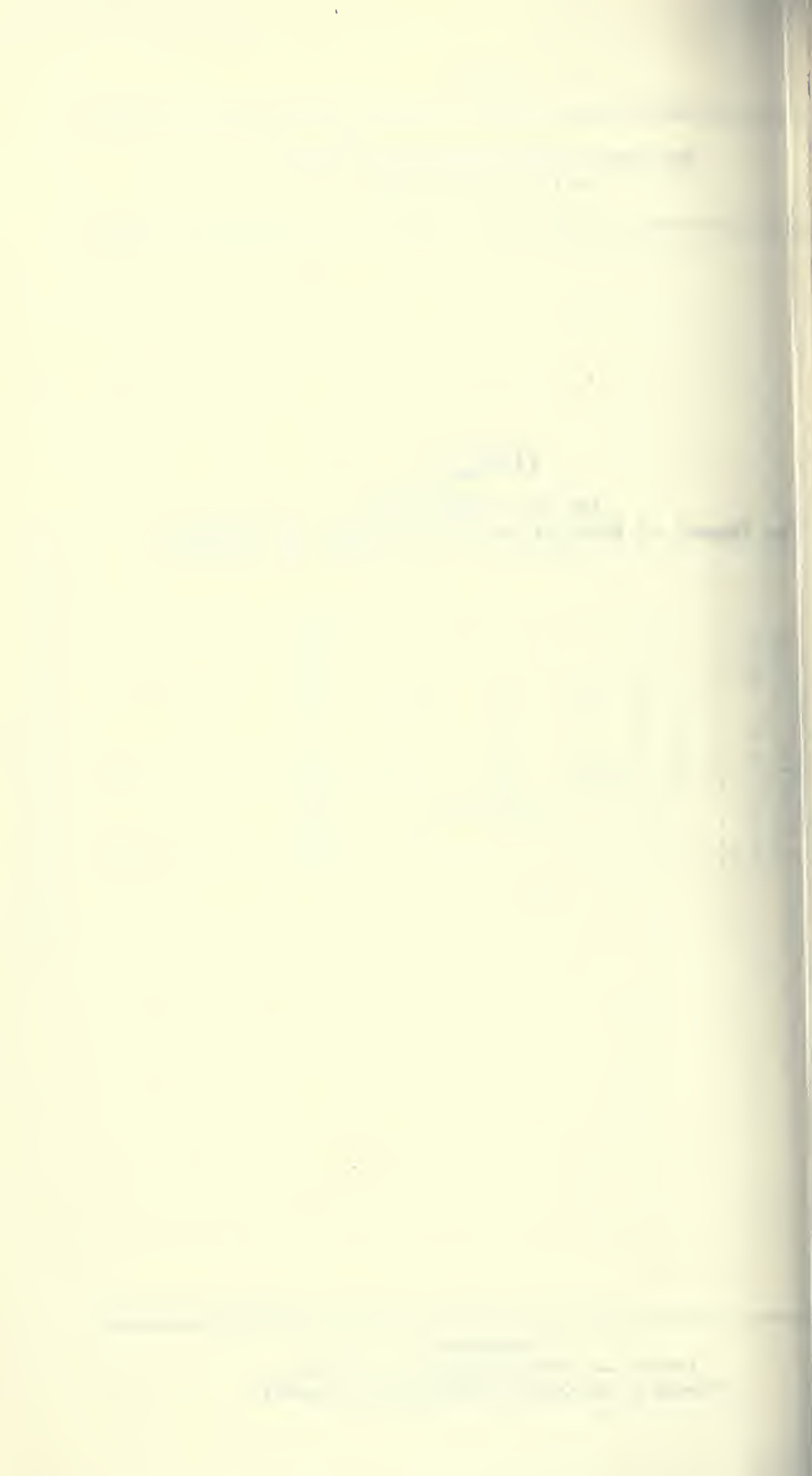
An Act respecting

The Board of Education for the City of Windsor

MR. DAVIES

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 19

1957

BILL

An Act respecting The Board of Education for the City of Windsor

WHEREAS The Board of Education for the City of Windsor by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1957, the revised Pension Plan of The Board of Education for the City of Windsor, set forth as the Schedule hereto, is declared to be legal, valid and binding upon the Board and the Board is hereby empowered to carry out all its obligations that might arise thereunder.

Pension
plan
ratified

2. The said revised Pension Plan may be amended by the Board only with the approval and consent of the Minister of Education.

Amendment
of Plan

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Windsor Board of Education Act, 1957*.

Short title

SCHEDULE

THE BOARD OF EDUCATION OF THE CITY OF WINDSOR
NON-TEACHING EMPLOYEES' PENSION PLAN

ARTICLE I

DEFINITIONS

1. "Board" means the Board of Education of the city of Windsor.
2. "Earnings" means the total salary or wages received each year as an employee of the Board but does not include the value of any benefits arising from the employment.
3. "Effective Date" means the 30th June, 1956.
4. "Employee" means an employee of the Board who is regularly employed upon a full-time basis, and is classified as a permanent employee. It includes a former employee who is receiving or is entitled to receive a pension under this or the Original Plan. It does not include casual, seasonal or part-time employees who do not work normally for at least 1,000 hours in a year; or one who is teaching or contributing to, or is eligible to contribute to the Teachers' Superannuation Fund.
5. "Employment" means employment with the Board both before and after the effective date.
6. "Insurer" means and includes the Annuities Branch of the Department of Labour, and insurance companies licensed to and carrying on business in Ontario.
7. "Original Plan" means the Retirement Annuity Plan effective as of May 1, 1944, and includes any scheme or arrangement under which contributions were made by the Board or its employees prior to the effective date.
8. "Participant" means an employee who is a contributor to and is eligible for benefits under this Plan.
9. "Plan" means this Plan and "Auxiliary Plan" means the Plan established under Article XIII and incorporated herein.
10. "Retire" or "retirement" means retiring from the employment upon or after normal, early or late retirement date.
11. "Retirement Date" means the date on which the employee retires from the employment, and
 - (i) "Normal retirement date" means the last day of the month in which an employee attains his 65th birthday, and
 - (ii) "Early retirement date" means the date subsequent to the attainment of his 55th birthday on which an employee, with the consent of the Board, retires from the employment, and
 - (iii) "Late retirement date" means the date subsequent to the normal retirement date on which the employee retires from the employment.
12. "Service" is synonymous with employment.
13. "Total and permanent disability" means in the sole opinion of the Board, incapacity by reason of bodily injury or disease to perform the duties assigned or to engage in any regular occupation or employment except for rehabilitation purposes, and affirmed by the opinion of a qualified physician that such disability will be permanent, and such disability is not self-inflicted, or results from addiction to alcohol, narcotics, engaging in any unlawful act, or arising from service in the armed forces of any country.

14. "Year" means a full year.

The singular shall include the plural and the masculine the feminine, wherever appropriate.

ARTICLE II

ELIGIBILITY

1. (a) Any non-teaching employee of the Board at June 30, 1956, who is not eligible to contribute to the Teachers' Superannuation Fund will be permitted to participate in this Plan commencing July 1, 1956, provided he has fulfilled the following requirements on July 1, 1956:

- (i) has not attained normal retirement date,
- (ii) has completed one or more years of continuous service with the Board,
- (iii) has been appointed to the permanent staff with approval of the Board.

(b) Where a non-teaching employee of the Board on June 30, 1956, is not eligible to contribute to the Teachers' Superannuation Fund and has not fulfilled the above requirements at June 30, 1956, such employee will be permitted to participate in this Plan commencing on January 1st following fulfilment of all of the above requirements.

(c) If any of the above employees do not join the Plan within 30 days following the date on which they become eligible to do so, then such employee may join this Plan on any subsequent January 1st while it is in force, but in such event, no retirement benefits shall accrue to the employee in respect of service prior to the date on which he becomes a member, except to the extent provided by contributions made by himself and on his behalf under the Original Plan.

2. Any person becoming a non-teaching employee of the Board on or after July 1, 1956, and who is not eligible to contribute to the Teachers' Superannuation Fund, shall be required as a condition of continued employment by the Board to become a participant in the Plan on January 1st following fulfilment of all of the following requirements:

- (i) has not attained normal retirement date,
- (ii) has completed one year of continuous service with the Board,
- (iii) has been appointed to the permanent staff with the approval of the Board,
- (iv) has attained age 30 if a female,
- (v) had not attained age 50 when employed.

3. An employee eligible to become a participant in the Plan must authorize the Board, in writing, to deduct the required contributions from his earnings and to transfer, together with any accrued interest thereon to his credit under the Plan, the contributions, if any, which he made prior to the effective date under the Original Plan.

ARTICLE III

FUTURE SERVICE PENSION

1. For each employee who becomes a participant and makes the contributions required hereunder, the yearly pension payable to him when he attains normal retirement date or retires, whichever last occurs, for service subsequent to the effective date, shall be $1\frac{1}{2}\%$ of the total earnings on which he has made contributions in accordance with the terms of this Plan.

ARTICLE IV

PAST SERVICE PENSION

1. Each employee who was eligible to and did make contributions under the Original Plan will receive, in addition to the pension provided under Article III hereof, a pension in respect of service prior to the effective date, the yearly amount of which will be the greater of,

- (a) the total pension benefit accumulated by the joint contributions of the Board and the employee under the Original Plan, or
- (b) 1% of the yearly earnings of the employee at the effective date times years of service prior to the effective date.

2. If a participant made contributions during the years 1951-1955, the pension in respect of the years 1951-1955, inclusive, shall not be less than 1½% of his average earnings during the said years for each year of service during said period 1951-1955.

ARTICLE V

CONTRIBUTIONS BY EMPLOYEES

1. Each employee who is participating in the Plan, shall contribute by payroll deduction an amount which is 4% of the earnings received in each year up to and including that in which he attains his 40th birthday, and 6% of the earnings received in each year subsequent to the year in which he attains his 40th birthday.

ARTICLE VI

CONTRIBUTIONS BY THE BOARD

For Future Service:

1. Each year the Board will pay over the amount which is required in addition to the contributions of the employee to purchase the pension benefits accrued for such year. The amount of such payment shall be as determined by the insurer or by the Actuary.

2. Payment of such amount by the Board shall be in full settlement of its liability under this Plan in respect of such year.

For Past Service:

3. The Board will pay the additional cost of the benefits for past service provided under Article IV hereof.

ARTICLE VII

EARLY RETIREMENT PENSION

1. An employee may, with the consent of the Board, retire within the 10-year period prior to his normal retirement date. In such event, the employee shall be entitled to receive,

- (a) a deferred pension determined on the basis of earnings and service as at the date of actual retirement, and the payments of which will commence at normal retirement date, or
- (b) a pension payable immediately, determined as though at the time of leaving he had attained his normal retirement date but actuarially reduced to his then attained age.

2. The amount of any reduced pension shall be determined upon the basis of tables established by the Actuary.

ARTICLE VIII

LATE RETIREMENT PENSION

1. If the employee, with the consent of the Board, remains in employment subsequent to his attaining normal retirement date, such service shall not be included in determining pension benefits nor shall he make further contributions under this Plan.

2. Upon retirement, he shall be paid a pension of the same amount as would have been payable had he retired at his normal retirement date.

3. If an employee who is retained in the employment after his normal retirement date has acquired pension benefits under a contract with an insurer, the pension so payable shall commence at the normal retirement date. In such event, the Board may, in its absolute discretion, adjust the remuneration payable to such employee by reducing it by an amount not greater than the amount of the pension benefit so payable.

ARTICLE IX

DISABILITY PENSION

1. An employee who has been in the employment for twenty (20) years and has become totally and permanently disabled, shall be entitled to receive a pension the amount of which shall be determined as though the employee had, at the date of disability, attained normal retirement date.

2. Any employee receiving a disability pension may be required to submit to medical examination from time to time but not more often than once a year. If, on the basis of such examination, he is found to be no longer totally and permanently disabled, or if he engages in gainful occupation other than for purposes of rehabilitation, pension payments shall cease. In the event the employee refuses to submit to medical examinations, his pension payments will cease until he submits to examination.

3. If the disability pension has ceased for any reason, the employee will, upon his attaining normal retirement date, be entitled to receive a pension based upon his service at that time.

4. Should an employee who has received a disability pension return to the employment upon the cessation of such disability, his period of absence shall be dealt with as approved leave of absence because of illness.

ARTICLE X

TERMINATION OF SERVICE

1. If an employee leaves the employment for any reason other than death and has acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall make application for such pension when he has attained normal retirement date. Such application shall be made in writing addressed to the Board. The employee shall furnish the Board with such information as it may request, and failing the receipt of such application and information, pension shall not be paid.

2. If an employee leaves the employment and has not acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall be paid in a lump sum an amount equal to the total contributions made by him under this or a previous plan together with interest thereon at 3% per annum.

3. If an employee who has acquired a vested right to a pension has left the employment and dies before attaining normal retirement date, there shall be paid to his beneficiary, estate or personal representatives, an amount equal to the total of his contributions together with interest. If such refund is payable to a spouse or dependant, it may be paid in

instalments over a period not in excess of ten (10) years, otherwise payment will be made in a lump sum to the designated beneficiary, estate or personal representatives of the deceased employee.

ARTICLE XI

DEATH AFTER RETIREMENT

1. If a retired employee dies before sixty (60) monthly pension payments have been made, and leaves no surviving widow or dependent child or children and has not elected to have the pension continue to a surviving contingent annuitant, the payments shall continue and be paid to his designated beneficiary or, failing such, to his estate or personal representatives until sixty (60) monthly payments in all have been made; provided, however, that where the pension has been provided through a contract with an insurer, the settlement will be in accordance with the terms of such contract.

ARTICLE XII

BENEFITS TO WIDOWS AND CHILDREN

1. In the case of an employee who,

- (a) dies while in the employment and after twenty (20) years of continuous service, or
- (b) dies after he has retired from the employment and is receiving or is eligible to receive a pension under this Plan,

and such employee leaves a surviving widow, there shall be paid to such widow a pension the amount of which shall be,

- (c) in the case of an employee who dies in the employment after twenty (20) years of continuous service, one-half the pension to which such employee would have been entitled under this Plan, had he attained normal retirement date and retired as at the date of death; and
- (d) in the case of an employee who had retired, one-half of the pension which such employee was receiving or entitled to receive as at the date of death.

2. A pension shall not be paid to the widow of an employee if she married such employee after he had attained age 55, or had retired, or left the employment prior to a retirement date. If any surviving widow is more than ten (10) years younger than the deceased husband, the pension shall be reduced by 2% for each complete year by which the age of the widow is more than ten (10) years younger than the deceased husband.

3. The pension shall be paid to the widow during her lifetime or until she remarries.

4. If an employee dies and leaves surviving him only a dependent child or children under 18 years of age, or dependent by reason of mental or physical disability, a pension shall be paid to or for the support of such child or children of the same amount as would be payable if the employee had left a widow entitled to receive a pension hereunder, and without reduction for any reason. Such pension shall be paid during the period of disability or until the youngest child has attained his 18th birthday, whichever is later.

5. In making payments to or for a child or children, the Board may determine the person to whom they will be paid.

ARTICLE XIII

AUXILIARY PENSION PLAN

1. An Auxiliary Pension Plan is hereby established upon the following terms and conditions:

Eligibility:

2. Every employee who is not eligible to participate in the Plan by reason of having attained his 50th birthday when employed, may elect to participate in the Auxiliary Plan. Any such election must be made on a prescribed form and filed with the Board. It must authorize the Board to withhold from the earnings of the employee the amount which he desires to contribute under the Plan.

Contributions:

3. By employee—Each employee who so elects shall contribute by payroll deductions an amount which is not less than 6% or more than 10% of his yearly earnings.

4. By the Board—The Board shall contribute yearly on behalf of each employee who is a contributor, an amount which is 6% of the yearly earnings of the employee.

Application of Contributions:

5. All contributions will be paid over to a Trustee (and who may be the Trustee of the Plan). The Trustee shall hold such monies for the account of the contributing employees. Not less often than once a year there shall be credited to the account of each employee, a proportional share of the profits arising from the investments of the money, or conversely, each account shall be debited with a proportional share of any loss.

6. The amount at the credit of the employee at any particular time shall be the total as at the last time profits or losses were allocated amongst the employees' accounts, plus such further contributions as were made, and a proportion of such profits, if any, as were actually received by the Trustee subsequent to the previous allocation.

Benefit Upon Retirement:

7. Upon attaining retirement age and retiring, the Trustee shall apply the amount at the credit of the employee as a single premium on an annuity contract issued by an insurer, and under which the employee will receive periodical payments during his lifetime. Subject to agreement by the Trustees, who may consult with the employee, the contract shall be on a life contingency basis without loan values and may,

- (i) have a guaranteed period of payment not in excess of 10 years, or
- (ii) be for a reduced amount with the payments continuing in the same or a reduced amount to a designated contingent annuitant who survives the employee, or
- (iii) provide for such other method of payment as is best adapted to the employee's condition, provided that such method is not prohibited by any law, regulation or ruling enacted by competent authority.

Benefit Upon Separation or Death:

8. If an employee dies while in the employment, there shall be paid to his beneficiary, or, failing such, to his estate or personal representatives, the amount at his credit determined as required herein. If the employee leaves prior to retirement date, he shall be entitled to a deferred pension, the payments to commence when he has attained his normal retirement date. Should, however, the employee request and receive a return of

his contributions, he shall forfeit all rights to any benefits from contributions made by the Board on his behalf.

Other Provisions Applicable:

9. The terms and conditions as set out in this Plan shall apply *mutatis mutandis* to the Auxiliary Plan.

ARTICLE XIV

INTEGRATION WITH OLD AGE PENSION

1. An employee may, by notice in writing addressed to the Board, elect to receive an increased pension up until he attains his 70th birthday after which the amount of such increased payments will be reduced by \$40.00 a month.

2. The amount of the increase in the monthly pension will be based upon the then attained age of the employee in accordance with the following table:

At age 60 the pension will be increased by—	\$16.00
At age 61 the pension will be increased by—	17.00
At age 62 the pension will be increased by—	18.50
At age 63 the pension will be increased by—	20.00
At age 64 the pension will be increased by—	22.00
At age 65 the pension will be increased by—	24.00
At age 66 the pension will be increased by—	26.00
At age 67 the pension will be increased by—	29.00
At age 68 the pension will be increased by—	32.00
At age 69 the pension will be increased by—	36.00

No integration will be made if the age of the employee is under 60. For the purpose of the increase, the age used will be that of the nearest age of the employee at the time the payments commence. Where the pension is provided through an insurance contract, the amount of increase will be determined by the insurer.

ARTICLE XV

VESTING

1. The right to the benefits under this Plan from the contributions made by the Board on his behalf shall vest in the employee as follows:

After completion of 5 full years of employment—	25%
After completion of 6 full years of employment—	30%
After completion of 7 full years of employment—	35%
After completion of 8 full years of employment—	40%
After completion of 9 full years of employment—	45%
After completion of 10 full years of employment—	50%
After completion of 11 full years of employment—	55%
After completion of 12 full years of employment—	60%
After completion of 13 full years of employment—	65%
After completion of 14 full years of employment—	70%
After completion of 15 full years of employment—	75%
After completion of 16 full years of employment—	80%
After completion of 17 full years of employment—	85%
After completion of 18 full years of employment—	90%
After completion of 19 full years of employment—	95%
After completion of 20 full years of employment—	100%

2. The vesting of the right to any benefits shall lapse upon the happening of the following events:

- (a) the employee quits the employment and asks for and receives a return of his contributions made under this or a former Plan;
- (b) the employee quits the employment and dies prior to the commencement of pension payments;

- (c) the employee is dismissed for cause, in which case the Board may, in its absolute discretion, determine the proportion of the benefits purchased by the Board which shall be forfeited.

ARTICLE XVI

DESIGNATED BENEFICIARY

1. An employee may, in writing filed with the Board, appoint a beneficiary who shall, in the event of the death of the employee, be entitled to receive any refund payable under the terms of this Plan. The employee may revoke such appointment, in writing filed with the Board, and the appointment shall lapse on the death of the beneficiary appointed. If no other beneficiary is appointed, payment of any refund shall be made to the estate or personal representatives of the employee.

2. If the pension benefits are being acquired under a contract with an insurer, appointment of a beneficiary must be made in accordance with the requirements of such insurer.

ARTICLE XVII

PAYMENT OF PENSIONS

1. Pensions shall be paid on the first day of each month commencing with the month immediately following that in which the employee has retired and becomes entitled thereto, and shall terminate with the payment made for the month in which the employee dies.

2. The pension to a widow or dependent child or children shall commence on the first day of the month following that in which the employee dies.

3. Where benefits have been acquired and are payable under a contract with an insurer, payments shall be made in accordance with the terms of such contract.

ARTICLE XVIII

FUNDING

1. For purposes of providing the benefits under this Plan, the Board may,

- (a) purchase annuity contracts from an insurer,
- (b) enter into a contract with an insurer for a deposit administration account,
- (c) enter into an agreement with an incorporated trust company in Canada for the establishment of a pension fund.

2. An annuity contract purchased from an insurer shall be issued on a life contingency basis, without loan value and may be,

- (i) on a single life with or without a guaranteed period of payment not in excess of 10 years, or
- (ii) on a last survivor basis with one other life as a contingent annuitant with or without a guaranteed period not in excess of 10 years.

3. Any agreement with an incorporated trust company shall provide that the trust company shall be the Trustee of the Plan. There shall be established by the Trustee a fund or funds which will consist of the contributions made under the Plan and the Auxiliary Plan. The property

of the Funds will be invested and reinvested in investments authorized for insurance companies under the *Canadian and British Insurance Companies Act*. The fund so constituted may be commingled with or form part of a common or pooled fund established by the Trustee. The income, profits and increments, if any, shall accrue to and be a part of the Fund. There shall be paid out of the Fund, from time to time, pensions payable under this Plan.

4. The Trustee may apply for and pay the premiums on annuity contracts for the purpose of securing the benefits payable under this Plan.

5. If the Trustee has purchased an annuity contract payable to a beneficiary hereunder, the assignment and surrender of such contract to the beneficiary shall be in settlement of any pension benefits payable under this Plan to the extent of the amount paid or payable under the contract. Notwithstanding anything contained in this Plan, all rights, benefits or settlements shall be made in accordance with the terms of such contract.

ARTICLE XIX

ASSIGNMENT OR WITHDRAWAL

1. A participant may not withdraw contributions made under this Plan while he is in the employment.

2. Any pension provided hereunder shall be paid only to or for the retired employee, his surviving widow, dependent child or children, or proper joint annuitant. The pension, or any part thereof, or any right or claim to any monies or other part of any fund set up pursuant to this Plan, shall not be anticipated, assigned or otherwise encumbered, nor be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment to whomsoever paid; and any attempted assignment or other encumbrance or attachment, garnishment, execution or levy, shall not be recognized or be of force or effect except to such extent as may be required by law.

ARTICLE XX

ACTUARY

1. The Board may retain a qualified Actuary or a firm of consultants, one of the members of which is a qualified Actuary, for the purpose of determining the costs of the benefits under the Plan, and the amount of any pension payable thereunder. The findings of the Actuary as to the amount of pension payable shall be conclusive and binding upon the Board, the Trustee, the employee and/or the payee.

ARTICLE XXI

INSURANCE CONTRACT SETTLEMENTS

1. Where an insurance contract has been issued pursuant to the provisions of this or the Original Plan, the rights of the employee upon early or late retirement, upon separation from the employment, or upon death before or after retirement, shall, notwithstanding the provisions of this Plan, be governed by the terms of the insurance contract.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. This Plan is intended to replace any former pension plan or scheme under which pensions were provided for the employees of the Board. After the effective date, the contributions made by the employees and the Board will be applied only in accordance with the provisions of this Plan.

2. Any benefits accumulated under a contract or contracts issued by an insurer under a former plan shall be deemed to be benefits provided under this Plan. Such contracts may be used to provide additional benefits and be held as property of any fund created or established with a trustee for the purposes of this Plan.

ARTICLE XXIII

ADMINISTRATION

1. The general administration of the Plan shall be vested in the Board.

2. The Board may delegate to one or more persons, the power, subject to its approval, to

- (a) authorize payment of pensions, disability pensions, widows' and orphans' pensions, death benefits and other benefits, if any, provided for under the Plan,
- (b) establish and enforce rules and procedure for the efficient administration of the Plan,
- (c) determine all matters arising in connection with the operation of the Plan and in particular to interpret the language of and the application of the terms of the Plan,
- (d) prescribe such forms as may be deemed necessary,
- (e) keep all necessary records of the operation of the Plan.

3. The members of the Board or any person to whom such powers or rights are delegated shall not be responsible for any loss or diminution of any fund established under the Plan, except that arising out of their own wilful negligence.

ARTICLE XXIV

RIGHT TO EMPLOYMENT

1. Participation in this Plan shall not increase or decrease the rights of any employee to employment or restrict in any way the right of the Board to make layoffs or enforce discharges.

ARTICLE XXV

CHANGE OR DISCONTINUANCE

1. The Board may, subject to the approval of the Minister of Education, amend or discontinue this Plan at any time. No amendment shall operate to impair or reduce the benefits acquired by an employee as at that time, unless consent is given in writing.

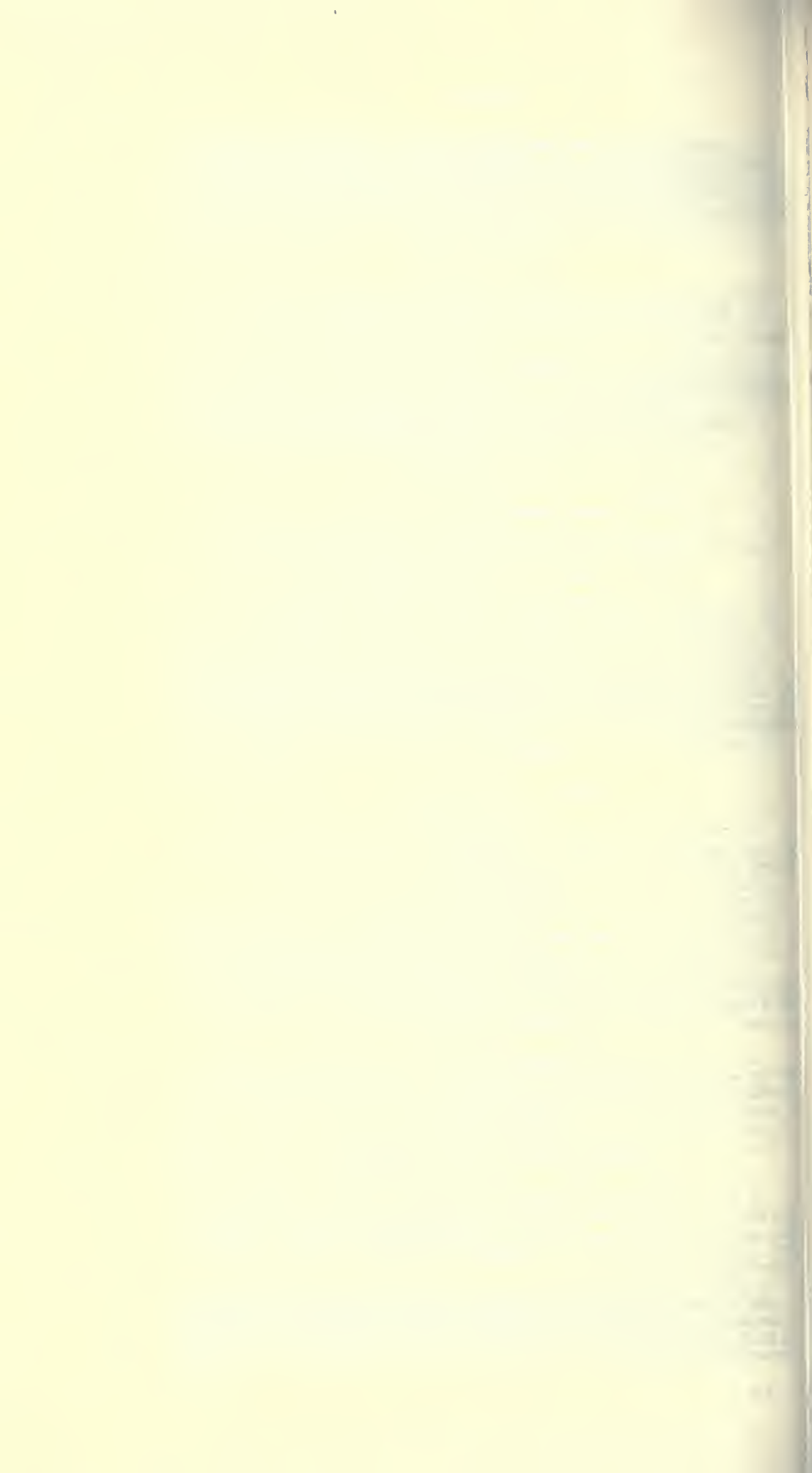
2. If the Plan is discontinued, there shall be an immediate vesting in the employee of all amounts contributed by him and on his behalf and/or the benefits arising therefrom.

ARTICLE XXVI

EVIDENCE OF AGE AND MARRIAGE

1. A participant shall submit proof of age in form satisfactory to the Board. In the absence of conclusive proof, the Board may determine the age of the participant on the basis of evidence submitted to them. Any pension paid on such basis shall be adjusted if proof of age is subsequently produced.

2. A participant shall also furnish the Board with the name of his wife, date of her birth and of marriage to the participant, and the date of birth of each child; particulars of the death of his wife or of any child under 18 years of age.



The Board of Education
for the City of Windsor

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. DAVIES

No. 20

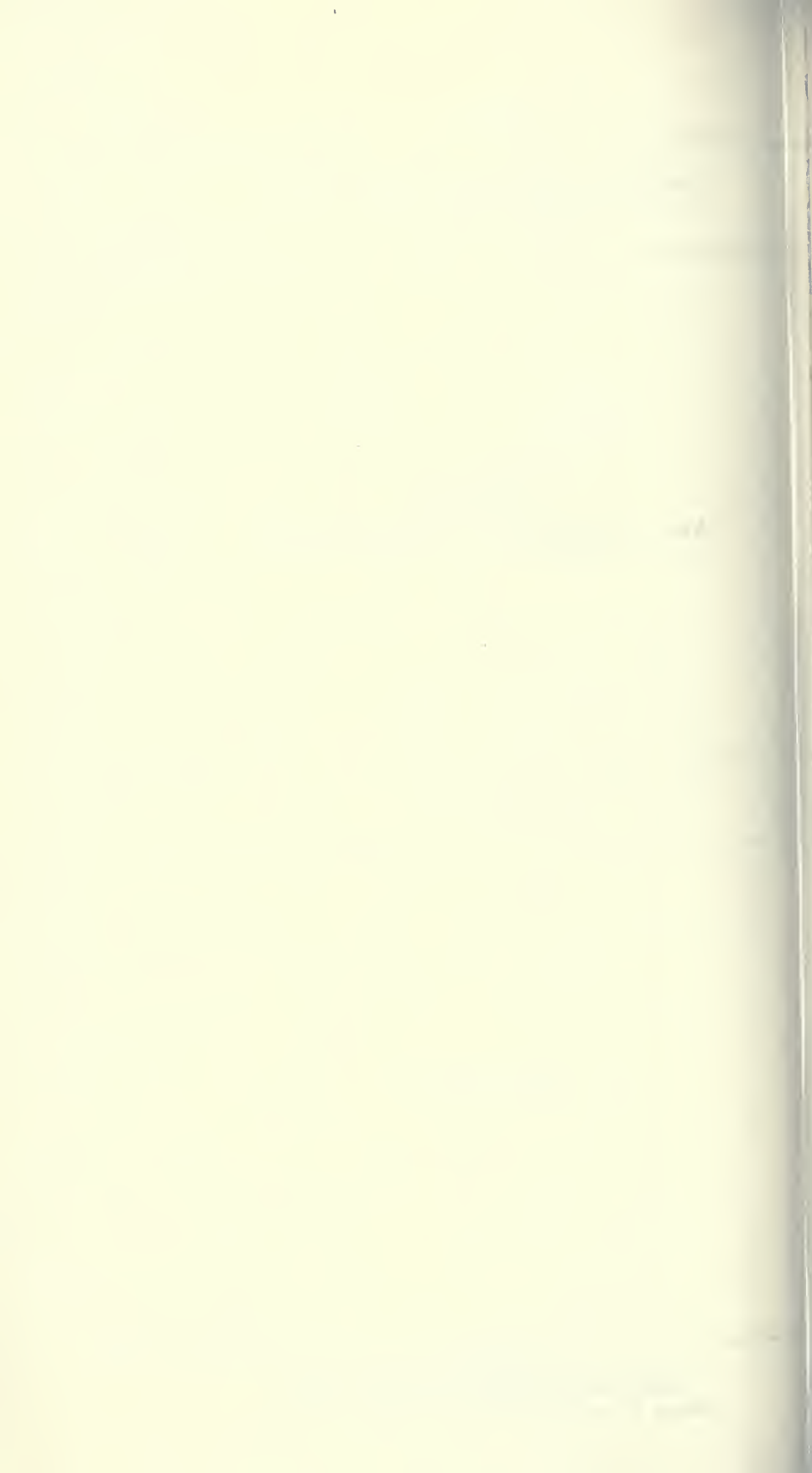
3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting O'Keefe Centre

MR. COWLING

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 20

1957

BILL

An Act respecting O'Keefe Centre

WHEREAS O'Keefe Centre, a corporation incorporated Preamble
under *The Corporations Act, 1953*, by its petition has 1953, c. 19
prayed for special legislation in respect of the matter herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. O'Keefe Centre is hereby empowered from time to time Authority
to acquire in mortmain, to hold in perpetuity and to assure to acquire
in mortmain any part or parts of the lands situate, lying and lands in
being in the City of Toronto in the County of York and mortmain
bounded on the west by Yonge Street, on the north by
Wellington Street, on the east by Church Street and on the
south by the railway tracks leading into the Union Station.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The O'Keefe Centre Act, 1957*. Short title

1st Reading

2nd Reading

3rd Reading

MR. COWLING

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

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Assent. ment

3. This Act may be cited as *The O'Keefe Centre Act, 1957*. Short title

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. COWLING

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Toronto

MR. STEWART

(PRIVATE BILL)

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The Corporation may authorize The Parking Underground
Authority of Toronto to construct or erect underground parking
parking facilities in, under, over or upon any land vested for facilities
any purpose in the Corporation.

(2) The Corporation and The Parking Authority of Toronto Agreement
may enter into an agreement for the construction of parking between
facilities in, under, over or upon any land vested for any City and
purpose in the Corporation in accordance with such terms Parking
and conditions as the agreement may provide. Authority
of Toronto

(3) The Parking Authority of Toronto shall have the Parking
right to construct, maintain, operate and manage municipal Authority
parking facilities in an underground building or structure of Toronto
under any land vested in the Corporation in accordance with authorized
an agreement with or a by-law of the Corporation. to construct
and operate

2.—(1) The council of the Corporation is authorized Committee
by by-law to appoint for the City of Toronto a committee of
of adjustment having three regular members and two sub- adjustment,
stitute members, and the appointment of each of such members substitute
shall be subject to the approval of the Minister of Planning members
and Development.

(2) The committee of adjustment appointed under this Powers and
section shall be deemed to be and shall have all the powers duties
and perform all the duties of a committee of adjustment
composed of three persons appointed under section 17 of
The Planning Act, 1955, which section shall *mutatis mutandis* 1955, c. 61
apply.

Authority of
substitute
members

(3) Either of the two substitute members of the committee may act in substitution for any regular member, and a substitute member, when so acting, shall have all the powers and may perform all the duties of a regular member.

Use of
untrav-
elled
portions of
highways

3.—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the City of Toronto zoned for commercial or industrial purposes to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Idem

(2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of such portions of highways within the City of Toronto, including the use thereof for parking purposes.

Application
to Metro-
politan
Toronto and
provincial
highways

(3) This section does not apply to the portions of any highways that are under the jurisdiction of The Municipality of Metropolitan Toronto or that are extensions or connecting links of the King's Highway.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1957.

Short title

5. This Act may be cited as *The City of Toronto Act, 1957*.

BILL
An Act respecting
the City of Toronto

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. STEWART

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the City of Toronto

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act respecting the City of Toronto

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by its petition has prayed for special legislation in
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and perform all the duties of a committee of adjustment
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apply.

Authority of substitute members (3) Either of the two substitute members of the committee may act in substitution for any regular member, and a substitute member, when so acting, shall have all the powers and may perform all the duties of a regular member.

Use of untravelled portions of highways **3.**—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the City of Toronto zoned for commercial or industrial purposes to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Idem (2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of such portions of highways within the City of Toronto, including the use thereof for parking purposes.

Application to Metropolitan Toronto and provincial highways (3) This section does not apply to the portions of any highways that are under the jurisdiction of The Municipality of Metropolitan Toronto or that are extensions or connecting links of the King's Highway.

Commencement **4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1957.

Short title **5.** This Act may be cited as *The City of Toronto Act, 1957*.



1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. STEWART

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

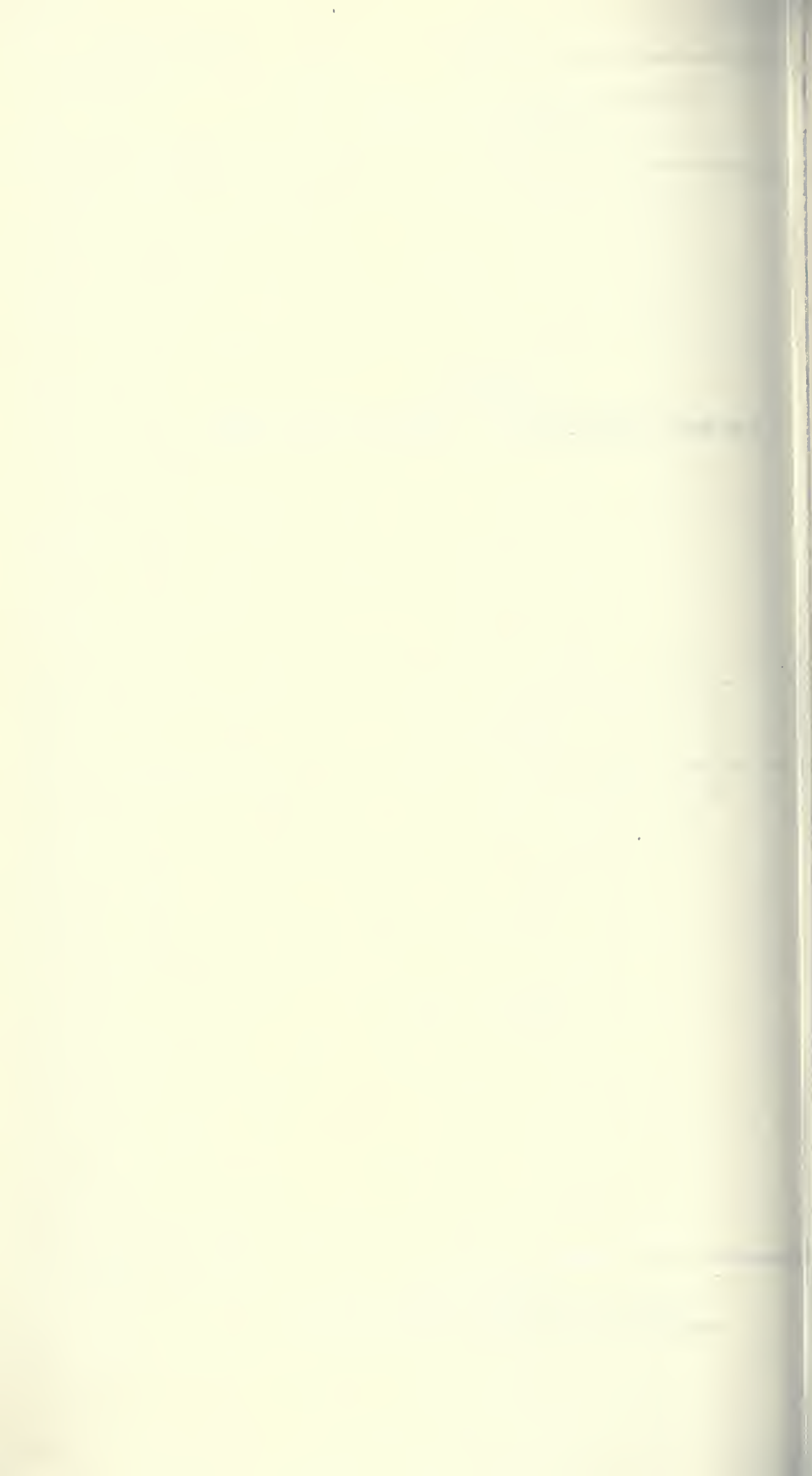
BILL

An Act respecting the Town of Pembroke

MR. HUNT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Pembroke

WHEREAS The Corporation of the Town of Pembroke, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matter herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation is hereby authorized Debenture
by-law
authorized
to pass a by-law, without obtaining the approval of the Ontario
Municipal Board, to borrow the sum of \$358,000 upon deben-
tures made payable in not more than twenty years for the
following purposes:

For expenses incurred in regard to sewer construction in the Town of Pembroke	\$111,000
For expenses incurred in regard to water works construction in the Town of Pembroke	242,800
For expenses incurred in regard to storm drain construction in the Town of Pembroke	4,200

and the by-law when duly passed shall be legal, valid and
binding upon the Corporation and the ratepayers thereof.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Town of Pembroke Act*, Short title
1957.

An Act respecting
the Town of Pembroke

1st Reading

2nd Reading

3rd Reading

MR. HUNT

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Town of Pembroke

MR. HUNT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. HUNT

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of London

MR. ROBARTS

(PRIVATE BILL)

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation may pass by-laws By-laws re gas heating equipment authorized
for controlling and regulating the installation and inspection
of gas heating equipment and the venting thereof, and for
prohibiting the use of all equipment that does not comply
with such regulations.

(2) The council of the Corporation may pass by-laws Installation permit
requiring that no gas heating equipment may be installed
or altered within the City of London until a permit has been
obtained therefor, which permit may be issued by such author-
ity as the council may, by by-law, provide, and such by-law
may require the filing with such authority such information
as may be thereby required and may provide for the payment
of such fee as the council may determine.

2. The agreement bearing date the 15th day of August, Agreement confirmed
1956, between The Public Utilities Commission of the City
of London and Upper Thames River Conservation Authority,
set forth as the Schedule hereto, is ratified and confirmed
and the parties thereto are authorized and empowered to
carry out the terms thereof.

3.—(1) The lands being composed of parts of Lots Nos. Lands vested in Corporation
Thirty-one and Thirty on the south side of Dundas Street
and part of Lot No. Thirty-two on the west side of Lyle
Street according to registered Plan No. 229, more particularly
described as follows:

COMMENCING in the westerly limit of said Lot Number Thirty-one distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence southerly along the westerly limits of said Lots Numbers Thirty-one and Thirty-two, eighty-one feet, eleven inches to a point distant two hundred and one feet, five inches southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of said Lot Number Thirty-two, sixty-six feet to the production southerly in a straight line of the easterly limit of said Lot Number Thirty-one; thence northerly along the said production southerly and the easterly limit of Lot Number Thirty-one, fifty-nine feet, eleven inches, more or less, to a point distant one hundred and fifty-two feet southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of Dundas Street, fifteen feet; thence northerly parallel to the easterly limit of said Lot Number Thirty-one, forty feet; thence westerly parallel to the southerly limit of Dundas Street, fifteen feet; thence southerly along the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to the northeast angle of a cement curbing constructed on said Lot Number Thirty-one; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one and along the northerly face of the said curbing, twenty-two feet, three inches, more or less, to a point distant thirty-two feet, three inches easterly from the westerly limit of said Lot Number Thirty-one measured parallel to the northerly limit thereof; thence southerly parallel to the easterly limit of said Lot Number Thirty-one, one foot, ten inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; and thence westerly parallel to the southerly limit of Dundas Street, thirty-two feet, three inches, to the place of beginning,

together with all appurtenant rights-of-way and subject to such rights-of-way as may have been heretofore granted, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under file No. P.F.M. 4924-56, are hereby vested in the Corporation.

Idem

(2) The lands being composed of the westerly 296 feet 2 inches of Lots Nos. Twelve and Thirteen, registered Plan 383 for the Township of London, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under files Nos. P.F.M. 2238 and P.F.M. 2239, are hereby vested in the Corporation.

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authorized
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4.—(1) The Public Utilities Commission of the City of London is authorized and empowered to inspect wiring and to promote proper wiring, re-wiring and wiring improvements in buildings, and for such purposes to expend, advance or loan moneys therefor, provided that in no individual case shall the sum expended, advanced or loaned exceed \$500.

Security
for loans

(2) The Commission is authorized and empowered to take for all moneys expended, advanced or loaned, security in any form, including a charge or mortgage upon lands, to realize upon such security and to give releases therefor.

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6. The council of the Corporation may pass by-laws to require that upon the approval of plans for the erection, alteration or repair of buildings and the issue of a building permit pursuant thereto no person shall deviate therefrom, and to provide for the inspection of buildings to enable the Corporation to enforce such requirements. By-laws to prohibit deviation from building permit authorized

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The City of London Act, 1957*. Short title

SCHEDULE

THIS AGREEMENT made (in triplicate) this 15th day of August, in the year of our Lord one thousand nine hundred and fifty-six.

BETWEEN:

THE UPPER THAMES RIVER CONSERVATION AUTHORITY
(hereinafter called the Authority),

OF THE FIRST PART,

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF
LONDON (hereinafter called the Commission),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE THIRD PART.

WHEREAS the Authority is desirous of having laid out and constructed an eighteen-hole golf course for recreational purposes in conjunction with the Authority's project known as Fanshawe Lake and Fanshawe Park upon its lands and premises described as the most easterly portions of the north and south halves of Lot Number Three, in the Fifth Concession and the westerly part of the south half of Lot Number Two, in the said Fifth Concession of the Township of London, together with a portion of lands of the City on the north half of said Lot Three in the said Fifth Concession of the Township of London; and

WHEREAS the Commission has undertaken to lay out, construct, equip and operate the said golf course upon the terms and conditions hereinafter set forth and generally according to the plan shown in the print hereunto attached.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. The Commission and the City agree to sell and the Authority agrees to purchase fifty-five acres of land being part of Lot Number Three in the Fifth Concession of the said Township of London recently acquired by the Commission from W. J. Broome, et al, as described in registered Deed Number 80477 at the price or sum of Seventeen thousand dollars, together with interest thereon as hereinafter provided, reserving for the use of the Commission, its successors and assigns, such portion thereof as may be required by it for water-spreading purposes (but no areas will be reserved where the Golf Course has been constructed, except by mutual agreement) and for pipe lines and pole and power lines as may be required by the Commission its successors and assigns, in connection with its supply, distribution and sale of water, together with ways of access for all such purposes in, over and upon the remainder of the said lands and premises.

2. The Authority undertakes to complete the said purchase not later than eight years after the date of this agreement. Until completion the said lands and premises shall remain the property of the City, but it is agreed that the proposed golf course may be laid out and constructed over such portion thereof as may be mutually agreed upon by the parties from time to time. Until completion the Commission will pay such taxes as may be assessed and levied against the said property and a proportionate part thereof representing taxes on land used as a golf course shall be charged as part of the cost of operating the golf course to be laid out, constructed and operated in part thereon.

3. The Commission will forthwith proceed to lay out and construct an eighteen-hole golf course upon the hereinbefore recited lands and premises and procure such equipment as to the Commission may seem proper, provided the Commission will not make further expenditures when total monies expended by both parties exceeds \$80,000 without a further agreement in writing being made. The Authority will promptly advise the Commission of all expenditures made by it for the said purposes. Upon completion the said golf course will be equipped, maintained and operated by the Commission as a public course for such fee or fees and upon such terms and conditions as to the Commission may appear proper provided the annual fee for adult male members shall not be less than \$25.00. The Commission will keep records of the cost of laying out, constructing, equipping, maintaining and operating the said golf course and incidental thereto and all monies expended thereon and all monies received from the use of the said course and such records shall be open to the Authority at all reasonable times. All costs to the Commission of every nature whatsoever including all items of capital and current expense in connection with the said golf course, which shall include an appropriate part of overhead expense, together with the said purchase price of Seventeen thousand dollars referred to in paragraph one hereof shall be recorded and there shall be deducted therefrom the monies received by the Commission for the use of the course. Interest on the debit balance from time to time shall be charged at the rate of four and one-half per cent per annum from the first day of April, 1956, computed yearly and compounded with a rest on the first day of October, 1956, and thereafter with yearly rests on the first day of October in each year. Upon the said debit balance the Authority shall pay to the Commission the sum of not less than Ten thousand dollars on the first day of October in each calendar year, commencing with the year 1956, and the whole debit balance, with interest as aforesaid, shall be paid by the Authority to the Commission within eight years of the execution of this agreement.

4. Upon the payment in full by the Authority to the Commission of the said debit balance and interest as aforesaid the City will convey to the Authority the said lands and premises owned by it save the portion thereof required by the Commission and thereafter the Authority will assume control of the said golf course and of the lands so conveyed to it.

5. If the Authority shall fail to carry out and perform the covenants and agreements herein contained within the time hereinbefore provided, in addition to any other remedy to the Commission and the City, the right to purchase the said lands from the City shall cease within sixty days after receiving notice of default, which notice shall be deemed to have been given as of the date of the posting in Her Majesty's Post Office in the City of London of a written notice of such default, addressed to the Authority at Fanshawe Dam, R.R. No. 5, London, Ontario. If such notice be given and default shall continue for sixty days the Authority's right of purchase the said lands shall cease and the amount owing by the Authority shall be reduced by the amount of the said purchase price but the interest accrued thereon and any taxes paid and those accruing shall be prorated and together with all other monies due and owing by the Authority and remaining unpaid under the provisions of this agreement shall be a debt due to the Commission, and in addition to any other right or remedy the Commission may set off any monies owing by the Commission to the Authority.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE UPPER THAMES RIVER
CONSERVATION AUTHORITY,

(Seal) GEORGE PITTOCK,
LEONARD H. JOHNSON.

THE PUBLIC UTILITIES COMMISSION
OF THE CITY OF LONDON,

(Seal) J. KILLINGSWORTH,
Chairman,
GEO. M. FRASER,
Secretary.

THE CORPORATION OF THE CITY OF
LONDON,

(Seal) RAY A. DENNIS,
Mayor.
R. H. COOPER,
Clerk.

[Plan attached]

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. ROBARTS

(*Private Bill*)

No. 23

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of London

MR. ROBARTS

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation may pass by-laws By-laws
re gas
heating
equipment
for the inspection of gas heating and cooking appliances,
equipment, piping, vents and venting and for prohibiting the
use of any equipment that does not comply with the pro-
visions of *The Ontario Fuel Board Act, 1954* and the regulations 1954, c. 63
made thereunder.

(2) Such by-law may provide that the occupant of any Report on
equipment
by
occupant
premises where gas heating appliances, equipment, piping,
vents and venting are or have been installed shall report, in
writing, to such representative of the Corporation as the by-
law may designate, the date when such installation was
made, the persons who made the installation and the person
for whom the installation was made.

2. The agreement bearing date the 15th day of August, Agreement
confirmed
1956, between The Public Utilities Commission of the City
of London, the Corporation and Upper Thames River Con-
servation Authority, set forth as the Schedule hereto, is
ratified and confirmed and the parties thereto are authorized
and empowered to carry out the terms thereof.

3.—(1) The lands being composed of parts of Lots Nos. Lands
vested in
Corporation
Thirty-one and Thirty on the south side of Dundas Street
and part of Lot No. Thirty-two on the west side of Lyle
Street according to registered Plan No. 229, more particularly
described as follows:

COMMENCING in the westerly limit of said Lot Number Thirty-one distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence southerly along the westerly limits of said Lots Numbers Thirty-one and Thirty-two, eighty-one feet, eleven inches to a point distant two hundred and one feet, five inches southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of said Lot Number Thirty-two, sixty-six feet to the production southerly in a straight line of the easterly limit of said Lot Number Thirty-one; thence northerly along the said production southerly and the easterly limit of Lot Number Thirty-one, fifty-nine feet, eleven inches, more or less, to a point distant one hundred and fifty-two feet southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of Dundas Street, fifteen feet; thence northerly parallel to the easterly limit of said Lot Number Thirty-one, forty feet; thence westerly parallel to the southerly limit of Dundas Street, fifteen feet; thence southerly along the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to the northeast angle of a cement curbing constructed on said Lot Number Thirty-one; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one and along the northerly face of the said curbing, twenty-two feet, three inches, more or less, to a point distant thirty-two feet, three inches easterly from the westerly limit of said Lot Number Thirty-one measured parallel to the northerly limit thereof; thence southerly parallel to the easterly limit of said Lot Number Thirty-one, one foot, ten inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; and thence westerly parallel to the southerly limit of Dundas Street, thirty-two feet, three inches, to the place of beginning,

together with all appurtenant rights-of-way and subject to such rights-of-way as may have been heretofore granted, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under file No. P.F.M. 4924-56, are hereby vested in the Corporation.

Idem

(2) The lands being composed of the westerly 296 feet 2 inches of Lots Nos. Twelve and Thirteen, registered Plan 383 for the Township of London, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under files Nos. P.F.M. 2238 and P.F.M. 2239, are hereby vested in the Corporation.

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4.—(1) The Public Utilities Commission of the City of London is authorized and empowered to inspect wiring and to promote proper wiring, re-wiring and wiring improvements in buildings, and for such purposes to expend, advance or loan moneys therefor, provided that in no individual case shall the sum expended, advanced or loaned exceed \$500.

Security
for loans

(2) The Commission is authorized and empowered to take for all moneys expended, advanced or loaned, including carrying charges and expenses, security in any form, including a charge or mortgage upon lands, to realize upon such security and to give releases therefor.

5. The council of the Corporation may pass by-laws to regulate or prohibit the placing or dumping of refuse, garbage or other waste on lands or highways within the City of London.

By-laws re
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6. The council of the Corporation may pass by-laws to require that upon the approval of plans for the erection, alteration or repair of buildings and the issue of a building permit pursuant thereto no person shall deviate therefrom, and to provide for the inspection of buildings to enable the Corporation to enforce such requirements.

By-laws to
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7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The City of London Act, 1957*.

Short title

SCHEDULE

THIS AGREEMENT made (in triplicate) this 15th day of August, in the year of our Lord one thousand nine hundred and fifty-six.

BETWEEN:

THE UPPER THAMES RIVER CONSERVATION AUTHORITY
(hereinafter called the Authority),

OF THE FIRST PART,

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF
LONDON (hereinafter called the Commission),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF LONDON
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OF THE THIRD PART.

WHEREAS the Authority is desirous of having laid out and constructed an eighteen-hole golf course for recreational purposes in conjunction with the Authority's project known as Fanshawe Lake and Fanshawe Park upon its lands and premises described as the most easterly portions of the north and south halves of Lot Number Three, in the Fifth Concession and the westerly part of the south half of Lot Number Two, in the said Fifth Concession of the Township of London, together with a portion of lands of the City on the north half of said Lot Three in the said Fifth Concession of the Township of London; and

WHEREAS the Commission has undertaken to lay out, construct, equip and operate the said golf course upon the terms and conditions hereinafter set forth and generally according to the plan shown in the print hereunto attached.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. The Commission and the City agree to sell and the Authority agrees to purchase fifty-five acres of land being part of Lot Number Three in the Fifth Concession of the said Township of London recently acquired by the Commission from W. J. Broome, et al, as described in registered Deed Number 80477 at the price or sum of Seventeen thousand dollars, together with interest thereon as hereinafter provided, reserving for the use of the Commission, its successors and assigns, such portion thereof as may be required by it for water-spreading purposes (but no areas will be reserved where the Golf Course has been constructed, except by mutual agreement) and for pipe lines and pole and power lines as may be required by the Commission its successors and assigns, in connection with its supply, distribution and sale of water, together with ways of access for all such purposes in, over and upon the remainder of the said lands and premises.

2. The Authority undertakes to complete the said purchase not later than eight years after the date of this agreement. Until completion the said lands and premises shall remain the property of the City, but it is agreed that the proposed golf course may be laid out and constructed over such portion thereof as may be mutually agreed upon by the parties from time to time. Until completion the Commission will pay such taxes as may be assessed and levied against the said property and a proportionate part thereof representing taxes on land used as a golf course shall be charged as part of the cost of operating the golf course to be laid out, constructed and operated in part thereon.

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4. Upon the payment in full by the Authority to the Commission of the said debit balance and interest as aforesaid the City will convey to the Authority the said lands and premises owned by it save the portion thereof required by the Commission and thereafter the Authority will assume control of the said golf course and of the lands so conveyed to it.

5. If the Authority shall fail to carry out and perform the covenants and agreements herein contained within the time hereinbefore provided, in addition to any other remedy to the Commission and the City, the right to purchase the said lands from the City shall cease within sixty days after receiving notice of default, which notice shall be deemed to have been given as of the date of the posting in Her Majesty's Post Office in the City of London of a written notice of such default, addressed to the Authority at Fanshawe Dam, R.R. No. 5, London, Ontario. If such notice be given and default shall continue for sixty days the Authority's right of purchase the said lands shall cease and the amount owing by the Authority shall be reduced by the amount of the said purchase price but the interest accrued thereon and any taxes paid and those accruing shall be prorated and together with all other monies due and owing by the Authority and remaining unpaid under the provisions of this agreement shall be a debt due to the Commission, and in addition to any other right or remedy the Commission may set off any monies owing by the Commission to the Authority.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

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CONSERVATION AUTHORITY,

(Seal) GEORGE PITTOCK,
LEONARD H. JOHNSON.

THE PUBLIC UTILITIES COMMISSION
OF THE CITY OF LONDON,

(Seal) J. KILLINGSWORTH,
Chairman,
GEO. M. FRASER,
Secretary.

THE CORPORATION OF THE CITY OF
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(Seal) RAY A. DENNIS,
Mayor.
R. H. COOPER,
Clerk.

[Plan attached]

Bill
An Act respecting
the City of London

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. ROBARTS

(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

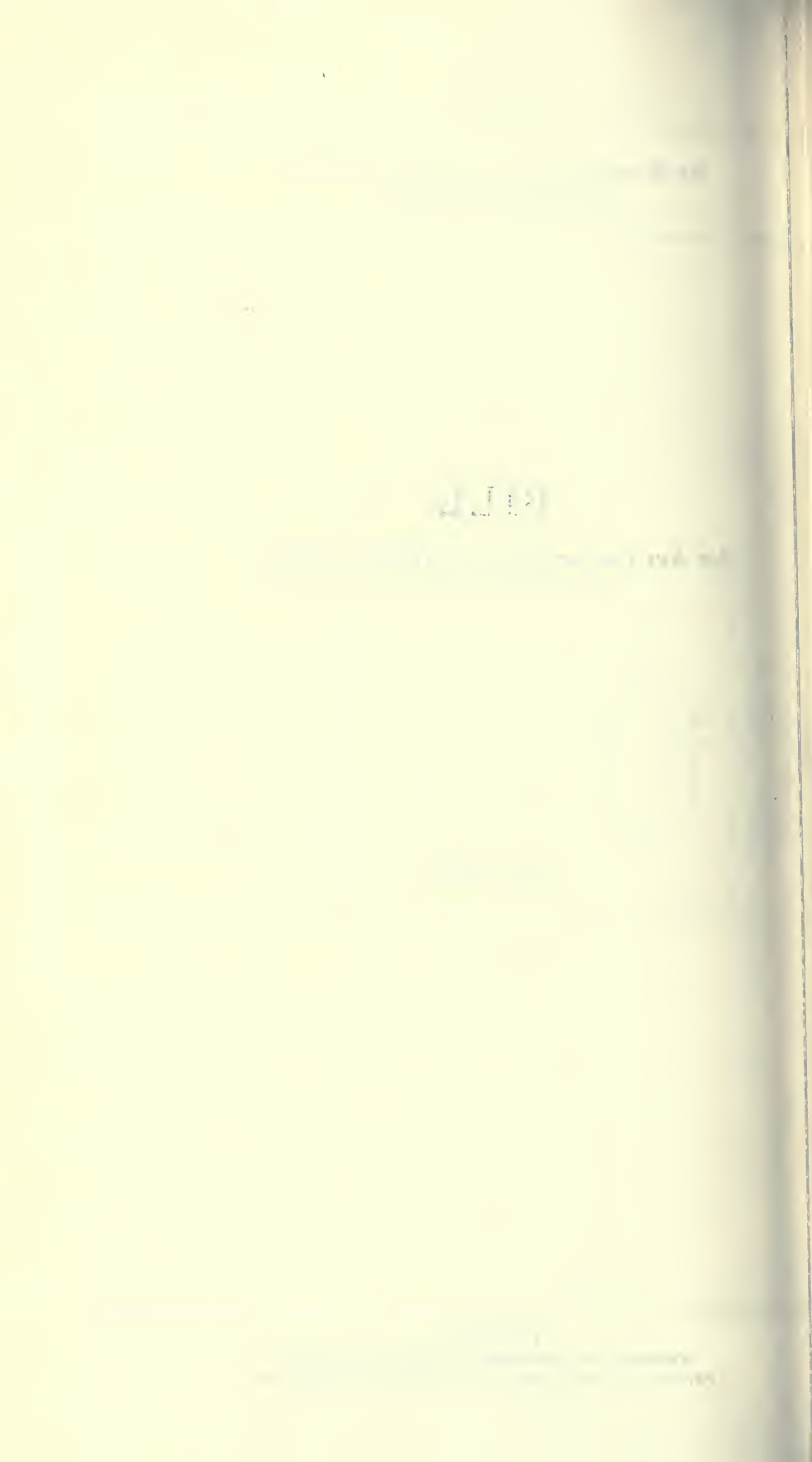
BILL

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WHEREAS The Corporation of the City of London, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
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of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation may pass by-laws By-laws
re gas
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for the inspection of gas heating and cooking appliances,
equipment, piping, vents and venting and for prohibiting the
use of any equipment that does not comply with the pro-
visions of *The Ontario Fuel Board Act, 1954* and the regulations 1954, c. 63
made thereunder.

(2) Such by-law may provide that the occupant of any Report on
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premises where gas heating appliances, equipment, piping,
vents and venting are or have been installed shall report, in
writing, to such representative of the Corporation as the by-
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made, the persons who made the installation and the person
for whom the installation was made.

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1956, between The Public Utilities Commission of the City
of London, the Corporation and Upper Thames River Con-
servation Authority, set forth as the Schedule hereto, is
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Thirty-one and Thirty on the south side of Dundas Street
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Idem

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7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The City of London Act, 1957*. Short title

SCHEDULE

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BETWEEN:

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(hereinafter called the Authority),

OF THE FIRST PART,

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF
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WHEREAS the Commission has undertaken to lay out, construct, equip and operate the said golf course upon the terms and conditions hereinafter set forth and generally according to the plan shown in the print hereunto attached.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. The Commission and the City agree to sell and the Authority agrees to purchase fifty-five acres of land being part of Lot Number Three in the Fifth Concession of the said Township of London recently acquired by the Commission from W. J. Broome, et al, as described in registered Deed Number 80477 at the price or sum of Seventeen thousand dollars, together with interest thereon as hereinafter provided, reserving for the use of the Commission, its successors and assigns, such portion thereof as may be required by it for water-spreading purposes (but no areas will be reserved where the Golf Course has been constructed, except by mutual agreement) and for pipe lines and pole and power lines as may be required by the Commission its successors and assigns, in connection with its supply, distribution and sale of water, together with ways of access for all such purposes in, over and upon the remainder of the said lands and premises.

2. The Authority undertakes to complete the said purchase not later than eight years after the date of this agreement. Until completion the said lands and premises shall remain the property of the City, but it is agreed that the proposed golf course may be laid out and constructed over such portion thereof as may be mutually agreed upon by the parties from time to time. Until completion the Commission will pay such taxes as may be assessed and levied against the said property and a proportionate part thereof representing taxes on land used as a golf course shall be charged as part of the cost of operating the golf course to be laid out, constructed and operated in part thereon.

3. The Commission will forthwith proceed to lay out and construct an eighteen-hole golf course upon the hereinbefore recited lands and premises and procure such equipment as to the Commission may seem proper, provided the Commission will not make further expenditures when total monies expended by both parties exceeds \$80,000 without a further agreement in writing being made. The Authority will promptly advise the Commission of all expenditures made by it for the said purposes. Upon completion the said golf course will be equipped, maintained and operated by the Commission as a public course for such fee or fees and upon such terms and conditions as to the Commission may appear proper provided the annual fee for adult male members shall not be less than \$25.00. The Commission will keep records of the cost of laying out, constructing, equipping, maintaining and operating the said golf course and incidental thereto and all monies expended thereon and all monies received from the use of the said course and such records shall be open to the Authority at all reasonable times. All costs to the Commission of every nature whatsoever including all items of capital and current expense in connection with the said golf course, which shall include an appropriate part of overhead expense, together with the said purchase price of Seventeen thousand dollars referred to in paragraph one hereof shall be recorded and there shall be deducted therefrom the monies received by the Commission for the use of the course. Interest on the debit balance from time to time shall be charged at the rate of four and one-half per cent per annum from the first day of April, 1956, computed yearly and compounded with a rest on the first day of October, 1956, and thereafter with yearly rests on the first day of October in each year. Upon the said debit balance the Authority shall pay to the Commission the sum of not less than Ten thousand dollars on the first day of October in each calendar year, commencing with the year 1956, and the whole debit balance, with interest as aforesaid, shall be paid by the Authority to the Commission within eight years of the execution of this agreement.

4. Upon the payment in full by the Authority to the Commission of the said debit balance and interest as aforesaid the City will convey to the Authority the said lands and premises owned by it save the portion thereof required by the Commission and thereafter the Authority will assume control of the said golf course and of the lands so conveyed to it.

5. If the Authority shall fail to carry out and perform the covenants and agreements herein contained within the time hereinbefore provided, in addition to any other remedy to the Commission and the City, the right to purchase the said lands from the City shall cease within sixty days after receiving notice of default, which notice shall be deemed to have been given as of the date of the posting in Her Majesty's Post Office in the City of London of a written notice of such default, addressed to the Authority at Fanshawe Dam, R.R. No. 5, London, Ontario. If such notice be given and default shall continue for sixty days the Authority's right of purchase the said lands shall cease and the amount owing by the Authority shall be reduced by the amount of the said purchase price but the interest accrued thereon and any taxes paid and those accruing shall be prorated and together with all other monies due and owing by the Authority and remaining unpaid under the provisions of this agreement shall be a debt due to the Commission, and in addition to any other right or remedy the Commission may set off any monies owing by the Commission to the Authority.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE UPPER THAMES RIVER
CONSERVATION AUTHORITY,

(Seal) GEORGE PITTOCK,
LEONARD H. JOHNSON.

THE PUBLIC UTILITIES COMMISSION
OF THE CITY OF LONDON,

(Seal) J. KILLINGSWORTH,
Chairman,

GEO. M. FRASER,
Secretary.

THE CORPORATION OF THE CITY OF
LONDON,

(Seal) RAY A. DENNIS,
Mayor.

R. H. COOPER,
Clerk.

[Plan attached]

1st Reading

February 14th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

MR. ROBARTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Peterborough

MR. GRAHAM

(PRIVATE BILL)

BILL

An Act respecting the City of Peterborough

WHEREAS The Corporation of the City of Peterborough ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 1 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, as enacted by subsection 1 of section 1 of *An Act re-^{1908, c. 104, s. 1, subs. 8, (1918, c. 75, s. 1, subs. 1); amended} specting the City of Peterborough*, being chapter 75 of the Statutes of Ontario, 1918, is amended by striking out "and each elector voting at the annual municipal election for aldermen shall vote for at least four candidates on his ballot, otherwise such ballot shall be declared spoiled, and be null and void and election officers shall not count the same for any candidate" in the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth lines, so that the subsection shall read as follows:

- (8) In the case of the first election of all members of the Council by general vote, after the repealing of the by-law providing for electing members by wards, the five candidates receiving the highest number of votes shall be elected for two years, and the five candidates receiving the next highest number of votes shall be elected for one year, and thereafter five members of the Council shall be elected each year at the annual municipal elections, and the Council may repeal the by-law providing for the election of members of the Council by the general vote and authorize the election of members of the Council by wards instead of by general vote, but before such repealing by-law shall be finally passed and become operative it shall have been submitted to and receive the assent of the majority of the electors of the city voting thereon, and thereupon ^{Election of members of Council by general vote}

it shall be the duty of the Council to pass such by-law, and to submit it to the electors of the said city at the next annual municipal election, and provided the said by-law receives the assent of the majority of the electors thereon to finally pass the same, and at the next annual municipal election after the final passing of the said by-law the members of the Council shall be elected by wards as provided in this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Peterborough Act, 1957*.

An Act respecting
the City of Peterborough

1st Reading

2nd Reading

3rd Reading

MR. GRAHAM

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Peterborough

MR. GRAHAM

BILL

An Act respecting the City of Peterborough

WHEREAS The Corporation of the City of Peterborough ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent, of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 1 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, as enacted by subsection 1 of section 1 of *An Act respecting the City of Peterborough*, being chapter 75 of the Statutes of Ontario, 1918, is amended by striking out "and each elector voting at the annual municipal election for aldermen shall vote for at least four candidates on his ballot, otherwise such ballot shall be declared spoiled, and be null and void and election officers shall not count the same for any candidate" in the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth lines, so that the subsection shall read as follows: ^{1908, c. 104, s. 1, subs. 8, (1918, c. 75, s. 1, subs. 1), amended}

- (8) In the case of the first election of all members of the Council by general vote, after the repealing of the by-law providing for electing members by wards, the five candidates receiving the highest number of votes shall be elected for two years, and the five candidates receiving the next highest number of votes shall be elected for one year, and thereafter five members of the Council shall be elected each year at the annual municipal elections, and the Council may repeal the by-law providing for the election of members of the Council by the general vote and authorize the election of members of the Council by wards instead of by general vote, but before such repealing by-law shall be finally passed and become operative it shall have been submitted to and receive the assent of the majority of the electors of the city voting thereon, and thereupon ^{Election of members of Council by general vote}

it shall be the duty of the Council to pass such by-law, and to submit it to the electors of the said city at the next annual municipal election, and provided the said by-law receives the assent of the majority of the electors thereon to finally pass the same, and at the next annual municipal election after the final passing of the said by-law the members of the Council shall be elected by wards as provided in this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Peterborough Act, 1957*.

1st Reading

February 14th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 4th, 1957

MR. GRAHAM

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Scarborough

MR. SUTTON

(PRIVATE BILL)

BILL

An Act respecting the Township of Scarborough

WHEREAS The Corporation of the Township of Scar- Preamble
borough by its petition has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-law No. 7362 passed by the council of The Corpora- By-law confirmed
tion of the Township of Scarborough entitled "A by-law to
prohibit ringing of bells, blowing of horns, shouting, unusual
noises, and noises calculated to disturb the inhabitants of the
municipality", set forth as Schedule A hereto, is hereby
validated and confirmed.

2. The council of The Municipality of Metropolitan Debenture
by-law to
be passed
by Metro-
politan
Toronto
Toronto when required by by-law or resolution of the council
of The Corporation of the Township of Scarborough shall pass
by-laws, without obtaining the approval of the Ontario
Municipal Board, to borrow the sum of \$397,829.99, upon
debentures made payable in not more than fifteen years, for
expenditures in constructing watermains, set forth as Schedules
B, C and D hereto, and the by-laws when duly passed shall be
legal, valid and binding upon The Municipality of Metro-
politan Toronto, and the debt so created shall be repaid by
levies against the Township of Scarborough.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The Township of Scarborough* Short title
Act, 1957.

SCHEDULE A

BY-LAW NO. 7362 OF THE TOWNSHIP OF SCARBOROUGH,

Being a by-law to prohibit ringing of bells, blowing of horns, shouting, unusual noises, and noises calculated to disturb the inhabitants of the municipality.

The Council of the Corporation of the Township of Scarborough enacts as follows:

I

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II

For the purpose of Section 1, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home provided conspicuous signs are displayed in or upon the streets

adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound-transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Council may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering, provided written permission of the Council has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Council.
- (3) Any newsboy, peddler, hawker, or petty tradesman, plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.
- (8) The operations of the Salvation Army as heretofore carried on.

IV

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD time and passed in open Council this 21st day of January, A.D. 1957.

(Signed) A. M. CAMPBELL, *Reeve.*

SEAL

(Signed) C. A. TRIPP, *Clerk.*

SCHEDULE B WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Foxridge Drive.....	Kennedy Road.....	West limit Plan M.639.....	\$ 1,904.61
Foxridge Drive.....	Birchmount Road.....	East limit Lot 69.....	2,055.07
Kennedy Road.....	South limit Plan 4401, 180 feet south of South Rd.....	North limit Plan 4401, 180 feet north of North Rd.....	6,627.12
Victoria Park Ave.....	North limit Plan 4210.....	North limit Plan 4244.....	6,433.68
Lawrence Avenue.....	East street line Warden Ave.....	West street line Warden Avenue.....	17,121.81
Warden Avenue.....	Lawrence Avenue.....	500 ft. north of Manhattan Cres.....	
Victoria Park Ave.....	South street line Innismore Cres....	Approximately 750 feet north of Surrey Avenue.....	6,754.64
Victoria Park Ave.....	180 ft. south of south street line of Biscayne Blvd.....	120 ft. north of north street line of Arncliffe Crescent..	8,778.94
Pharmacy Avenue.....	Murray Glen Drive.....	Ellesmere Road.....	17,268.46
Victoria Park Ave.....	O'Connor Drive.....	South limit H.E.P.C.....	13,077.86
Warden Ave.....	North end Wexford Heights Sub- division.....	North end Maryvale Heights Subdivision.....	7,910.07
Ellesmere Road.....	Claudius Gate.....	H.E.P.C.....	2,162.40
Craigton Drive.....	Victoria Park Ave.....	Rannock Street.....	1,082.50
Rannock Street.....	Craigton Drive.....	Pharmacy Avenue.....	
Victoria Park Ave.....	125 ft. north of centre line of Janet Blvd.....	190 ft. south of centre line of Janet Blvd.....	6,447.50
Pharmacy Ave.....	Sherwood Avenue.....	Janet Blvd.....	

SCHEDULE B—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Birchmount Road.....	Lawrence Avenue.....	Exford Road.....	\$ 15,639.45
Lawrence Avenue.....	Birchmount Road.....	A distance of 760 ft. to east limit Plan 4633.....	
Exford Drive.....	Birchmount Road.....	A distance of 875 ft. to east limit Plan 4633.....	
Warden Avenue.....	500 ft. south of Sylla Avenue.....	North limit Lot 349.....	20,222.84
Sylla Avenue.....	Budea Crescent.....	Warden Avenue.....	
Budea Crescent.....	Ellesmere Road.....	Sylla Avenue.....	
Ellesmere Road.....	150 ft. west Lot 1.....	Budea Crescent.....	
Lupin Drive.....	Warden Avenue.....	West limit Lot 38.....	34,426.95
Victoria Park Ave.....	Ellesmere Road.....	760 ft. north of Terraview Blvd.....	
Pharmacy Avenue.....	Ellesmere Road.....	125 ft. north of Shandon Drive.....	
Ellesmere Road.....	120 ft. east of Crossland Drive.....	Victoria Park Avenue.....	
Pachino Boulevard.....	Rothwell Drive.....	120 ft. east of Crossland Drive.....	
Terraview Boulevard.....	Rothwell Drive.....	Pharmacy Avenue.....	4,359.03
Hill Crescent.....	Markham Road.....	East limit Plan 4185.....	
Markham Road.....	Kingston Road.....	Hill Crescent.....	
			1,263.65
			<u>\$173,536.58</u>

SCHEDULE C

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Exford Drive.....	Canlish Road.....	Ellendale Drive.....	\$ 3,436.25
Ellendale Drive.....	Cornwallis Drive.....	Canlish Road.....	
Birchmount Drive.....	Lot 162.....	Jaguar Boulevard.....	530.00
Nelson Street.....	Bellamy Road.....	100 feet west of west street line of Markham Road.....	10,375.30
Kennedy Road.....	Bellbrook Road.....	4th Concession Road.....	16,069.60
4th Concession Road.....	Kennedy Road.....	1,150 feet west.....	
Lawrence Avenue.....	Rushley Drive.....	Brimley Road.....	6,133.16
Old Danforth Road.....	West limit of plan.....	Markham Road.....	2,600.00
Midland Avenue.....	Eglinton Avenue.....	North limit of subdivision.....	11,087.00
Markham Road.....	Old Danforth Road.....	Tenderdon Drive.....	17,688.75
Danforth Road.....	Lot 70, Plan 4975.....	Markham Road.....	
			<u>\$67,920.06</u>

SCHEDULE D

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Sheppard Avenue.....	Pharmacy Avenue.....	Warden Avenue.....	
Pharmacy Avenue.....	370 ft. south of Sheppard Ave.....	Sheppard Avenue.....	
Warden Avenue.....	Sheppard Avenue.....	Scarden Road.....	\$ 21,768.00
Wishing Well Drive.....	Pharmacy Avenue.....	Vradenburg Drive.....	
Vradenburg Drive.....	Wishing Well Drive.....	Lowcrest Blvd.....	
Lowcrest Blvd.....	Wilgress Road.....	Vradenburg Drive.....	
Minford Avenue.....	Warden Avenue.....	East limit Reg. Plan 4539.....	2,500.00
McCowan Road.....	South limit of H.E.P.C.....	North limit Reg. Plan 4896.....	15,836.00
McCowan Road.....	Danforth Road.....	Lawrence Avenue.....	
Danforth Road.....	North limit Reg. Plan 4567.....	McCowan Road.....	5,070.00
Seminole Road.....	Brimley Road.....	McCowan Road.....	
McCowan Road.....	Seminole Road.....	South limit Block "A" Reg. Plan 4699.....	
Danforth Road.....	Eglinton Avenue.....	North limit Reg. Plan 4672.....	14,000.00
Danforth Road.....	South limit Reg. Plan 4567.....	North limit Reg. Plan 4567.....	
Scarborough Golf Club Road....	Lawrence Avenue.....	North limit of Golddale Gardens Property.....	9,675.00
Scarborough Golf Club Road....	South limit of H.E.P.C.....	South limit Reg. Plan 5021.....	8,800.00
Lawrence Avenue.....	Kennedy Road.....	West limit Block "A", Reg. Plan 4310.....	3,500.00
Lawrence Avenue.....	West Hill Elevated Tank.....	Overture Road.....	1,000.00
Pharmacy Avenue.....	Sheppard Avenue.....	3,310 ft. south of Sheppard Ave.....	11,333.50
Orton Park Road.....	Lawrence Avenue.....	North limit Reg. Plan 5035.....	5,800.00

SCHEDULE D—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Lawrence Avenue.....	McCowan Road.....	Bellamy Road.....	\$ 37,000.00
McCowan Road.....	Lawrence Avenue.....	North limit Reg. Plan M.674.....	
Lawrence Avenue.....	Brimley Road.....	West limit Reg. Plan 4816.....	8,000.00
Bellamy Road.....	Burnview Crescent.....	Lawrence Avenue.....	2,800.00
Midland Avenue.....	Lot 13, Plan M.700.....	Lot 137, Plan M.700.....	3,938.00
Scarborough Golf Club Road....	South limit of Reg. Plan 5035.....	North limit of Reg. Plan 5035.....	3,050.00
McCowan Road.....	Seminole Road.....	South limit Reg. Plan 4853.....	2,302.85
McCowan Road.....	South limit Block "A" Reg. Plan 4699.....	North limit Reg. Plan 4853.....	
			<u>\$156,373.35</u>

Totals:	
Schedule B	\$ 173,536.58
C	67,920.06
D	156,373.35
<u>\$ 397,829.99</u>	

An Act respecting
the Township of Scarborough

1st Reading

2nd Reading

3rd Reading

MR. SUTTON

(*Private Bill*)

No. 25

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Scarborough

MR. SUTTON

(Reprinted as amended by the Committee on Private Bills)

BILL

An Act respecting the Township of Scarborough

WHEREAS The Corporation of the Township of Scar- Preamble
borough by its petition has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-law No. 7362 passed by the council of The Corpora- By-law confirmed
tion of the Township of Scarborough entitled "A by-law to
prohibit ringing of bells, blowing of horns, shouting, unusual
noises, and noises calculated to disturb the inhabitants of the
municipality", set forth as Schedule A hereto, is hereby
validated and confirmed.

2. The council of The Municipality of Metropolitan Debenture
by-law to
be passed
by Metro-
politan
Toronto
Toronto when required by by-law or resolution of the council
of The Corporation of the Township of Scarborough shall
pass by-laws, without obtaining the approval of the Ontario
Municipal Board and without the recital of Municipal Board
approval therein, to borrow the sum of \$397,829.99, upon
debentures made payable in not more than fifteen years, for
expenditures in constructing watermains, set forth as Schedules
B, C and D hereto, and the by-laws when duly passed shall
be legal, valid and binding upon The Municipality of Metro-
politan Toronto and the debt or debts thereby created and
all debentures issued under any such by-law or by-laws shall
be direct, joint and several obligations of The Municipality
of Metropolitan Toronto and of the thirteen area municipa-
lities constituting The Municipality of Metropolitan
Toronto and shall be repaid by levies against the Township
of Scarborough.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The Township of Scarborough* Short title
Act, 1957.

SCHEDULE A

BY-LAW NO. 7362 OF THE TOWNSHIP OF SCARBOROUGH,

Being a by-law to prohibit ringing of bells, blowing of horns, shouting, unusual noises, and noises calculated to disturb the inhabitants of the municipality.

The Council of the Corporation of the Township of Scarborough enacts as follows:

I

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II

For the purpose of Section 1, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home provided conspicuous signs are displayed in or upon the streets

adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound-transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Council may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering, provided written permission of the Council has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Council.
- (3) Any newsboy, peddler, hawker, or petty tradesman, plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.
- (8) The operations of the Salvation Army as heretofore carried on.

IV

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD time and passed in open Council this 21st day of January, A.D. 1957.

(Signed) A. M. CAMPBELL,
Reeve.

SEAL

(Signed) C. A. TRIPP,
Clerk.

SCHEDULE B WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Foxridge Drive.....	Kennedy Road.....	West limit Plan M.639.....	\$ 1,904.61
Foxridge Drive.....	Birchmount Road.....	East limit Lot 69.....	2,055.07
Kennedy Road.....	South limit Plan 4401, 180 feet south of South Rd.....	North limit Plan 4401, 180 feet north of North Rd.....	6,627.12
Victoria Park Ave.....	North limit Plan 4210.....	North limit Plan 4244.....	6,433.68
Lawrence Avenue.....	East street line Warden Ave.....	West street line Warden Avenue.....	} 17,121.81
Warden Avenue.....	Lawrence Avenue.....	500 ft. north of Manhattan Cres.....	
Victoria Park Ave.....	South street line Innismore Cres....	Approximately 750 feet north of Surrey Avenue.....	6,754.64
Victoria Park Ave.....	180 ft. south of south street line of Biscayne Blvd.....	120 ft. north of north street line of Arncliffe Crescent..	8,778.94
Pharmacy Avenue.....	Murray Glen Drive.....	Ellesmere Road.....	17,268.46
Victoria Park Ave.....	O'Connor Drive.....	South limit H.E.P.C.....	13,077.86
Warden Ave.....	North end Wexford Heights Sub- division.....	North end Maryvale Heights Subdivision.....	7,910.07
Ellesmere Road.....	Claudius Gate.....	H.E.P.C.....	2,162.40
Craigton Drive.....	Victoria Park Ave.....	Rannock Street.....	} 1,082.50
Rannock Street.....	Craigton Drive.....	Pharmacy Avenue.....	
Victoria Park Ave.....	125 ft. north of centre line of Janet Blvd.....	190 ft. south of centre line of Janet Blvd.....	} 6,447.50
Pharmacy Ave.....	Sherwood Avenue.....	Janet Blvd.....	

SCHEDULE B—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Birchmount Road.....	Lawrence Avenue.....	Exford Road.....	\$ 15,639.45
Lawrence Avenue.....	Birchmount Road.....	A distance of 760 ft. to east limit Plan 4633.....	
Exford Drive.....	Birchmount Road.....	A distance of 875 ft. to east limit Plan 4633.....	
Warden Avenue.....	500 ft. south of Sylla Avenue.....	North limit Lot 349.....	20,222.84
Sylla Avenue.....	Budea Crescent.....	Warden Avenue.....	
Budea Crescent.....	Ellesmere Road.....	Sylla Avenue.....	
Ellesmere Road.....	150 ft. west Lot 1.....	Budea Crescent.....	
Lupin Drive.....	Warden Avenue.....	West limit Lot 38.....	
Victoria Park Ave.....	Ellesmere Road.....	760 ft. north of Terraview Blvd.....	34,426.95
Pharmacy Avenue.....	Ellesmere Road.....	125 ft. north of Shandon Drive.....	
Ellesmere Road.....	120 ft. east of Crossland Drive.....	Victoria Park Avenue.....	
Pachino Boulevard.....	Rothwell Drive.....	120 ft. east of Crossland Drive.....	
Terraview Boulevard.....	Rothwell Drive.....	Pharmacy Avenue.....	
Hill Crescent.....	Markham Road.....	East limit Plan 4185.....	4,359.03
Markham Road.....	Kingston Road.....	Hill Crescent.....	1,263.65
			<u>\$173,536.58</u>

SCHEDULE C

WATERMANS

1 Street	2 From	3 To	4 Total Corporation Cost
Exford Drive.....	Canlish Road.....	Ellendale Drive.....	\$ 3,436.25
Ellendale Drive.....	Cornwallis Drive.....	Canlish Road.....	
Birchmount Drive.....	Lot 162.....	Jaguar Boulevard.....	530.00
Nelson Street.....	Bellamy Road.....	100 feet west of west street line of Markham Road.....	10,375.30
Kennedy Road.....	Bellbrook Road.....	4th Concession Road.....	16,069.60
4th Concession Road.....	Kennedy Road.....	1,150 feet west.....	
Lawrence Avenue.....	Rushley Drive.....	Brimley Road.....	6,133.16
Old Danforth Road.....	West limit of plan.....	Markham Road.....	2,600.00
Midland Avenue.....	Eglinton Avenue.....	North limit of subdivision.....	11,087.00
Markham Road.....	Old Danforth Road.....	Tenderdon Drive.....	17,688.75
Danforth Road.....	Lot 70, Plan 4975.....	Markham Road.....	
			<u>\$67,920.06</u>

SCHEDULE D

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Sheppard Avenue.....	Pharmacy Avenue.....	Warden Avenue.....	\$ 21,768.00
Pharmacy Avenue.....	370 ft. south of Sheppard Ave.....	Sheppard Avenue.....	
Warden Avenue.....	Sheppard Avenue.....	Scarden Road.....	
Wishing Well Drive.....	Pharmacy Avenue.....	Vradenburg Drive.....	
Vradenburg Drive.....	Wishing Well Drive.....	Lowcrest Blvd.....	
Lowcrest Blvd.....	Wilgress Road.....	Vradenburg Drive.....	2,500.00
Minford Avenue.....	Warden Avenue.....	East limit Reg. Plan 4539.....	
McCowan Road.....	South limit of H.E.P.C.....	North limit Reg. Plan 4896.....	
McCowan Road.....	Danforth Road.....	Lawrence Avenue.....	
Danforth Road.....	North limit Reg. Plan 4567.....	McCowan Road.....	
Seminole Road.....	Brimley Road.....	McCowan Road.....	5,070.00
McCowan Road.....	Seminole Road.....	South limit Block "A" Reg. Plan 4699.....	
Danforth Road.....	Eglinton Avenue.....	North limit Reg. Plan 4672.....	
Danforth Road.....	South limit Reg. Plan 4567.....	North limit Reg. Plan 4567.....	
Scarborough Golf Club Road....	Lawrence Avenue.....	North limit of Golddale Gardens Property.....	
Scarborough Golf Club Road....	South limit of H.E.P.C.....	South limit Reg. Plan 5021.....	9,675.00
Lawrence Avenue.....	Kennedy Road.....	West limit Block "A", Reg. Plan 4310.....	8,800.00
Lawrence Avenue.....	West Hill Elevated Tank.....	Overture Road.....	3,500.00
Pharmacy Avenue.....	Sheppard Avenue.....	3,310 ft. south of Sheppard Ave.....	1,000.00
Orton Park Road.....	Lawrence Avenue.....	North limit Reg. Plan 5035.....	11,333.50
			5,800.00

SCHEDULE D—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Lawrence Avenue.....	McCowan Road.....	Bellamy Road.....	\$ 37,000.00
McCowan Road.....	Lawrence Avenue.....	North limit Reg. Plan M.674.....	
Lawrence Avenue.....	Brimley Road.....	West limit Reg. Plan 4816.....	8,000.00
Bellamy Road.....	Burnview Crescent.....	Lawrence Avenue.....	2,800.00
Midland Avenue.....	Lot 13, Plan M.700	Lot 137, Plan M.700	3,938.00
Scarborough Golf Club Road....	South limit of Reg. Plan 5035.....	North limit of Reg. Plan 5035.....	3,050.00
McCowan Road.....	Seminole Road.....	South limit Reg. Plan 4853.....	2,302.85
McCowan Road.....	South limit Block "A" Reg. Plan 4699	North limit Reg. Plan 4853.....	
			<u>\$156,373.35</u>

Totals:	Schedule B	\$ 173,536.58
	C	67,920.06
	D	156,373.35
		<u>\$ 397,829.99</u>

BILL

An Act respecting
the Township of Scarborough

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. SUTTON

*(Reprinted as amended by the
Committee on Private Bills)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Township of Scarborough

MR. SUTTON

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

SCHEDULE A

BY-LAW NO. 7362 OF THE TOWNSHIP OF SCARBOROUGH,

Being a by-law to prohibit ringing of bells, blowing of horns, shouting, unusual noises, and noises calculated to disturb the inhabitants of the municipality.

The Council of the Corporation of the Township of Scarborough enacts as follows:

I

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II

For the purpose of Section 1, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home provided conspicuous signs are displayed in or upon the streets

adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound-transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Council may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering, provided written permission of the Council has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Council.
- (3) Any newsboy, peddler, hawker, or petty tradesman, plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.
- (8) The operations of the Salvation Army as heretofore carried on.

IV

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD time and passed in open Council this 21st day of January, A.D. 1957.

(Signed) A. M. CAMPBELL,
Reeve.

SEAL

(Signed) C. A. TRIPP,
Clerk.

SCHEDULE B

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Foxridge Drive.....	Kennedy Road.....	West limit Plan M.639.....	\$ 1,904.61
Foxridge Drive.....	Birchmount Road.....	East limit Lot 69.....	2,055.07
Kennedy Road.....	South limit Plan 4401, 180 feet south of South Rd.....	North limit Plan 4401, 180 feet north of North Rd.....	6,627.12
Victoria Park Ave.....	North limit Plan 4210.....	North limit Plan 4244.....	6,433.68
Lawrence Avenue.....	East street line Warden Ave.....	West street line Warden Avenue.....	17,121.81
Warden Avenue.....	Lawrence Avenue.....	500 ft. north of Manhattan Cres.....	
Victoria Park Ave.....	South street line Innismore Cres....	Approximately 750 feet north of Surrey Avenue.....	6,754.64
Victoria Park Ave.....	180 ft. south of south street line of Biscayne Blvd.....	120 ft. north of north street line of Arncliffe Crescent..	8,778.94
Pharmacy Avenue.....	Murray Glen Drive.....	Ellesmere Road.....	17,268.46
Victoria Park Ave.....	O'Connor Drive.....	South limit H.E.P.C.....	13,077.86
Warden Ave.....	North end Wexford Heights Sub- division.....	North end Maryvale Heights Subdivision.....	7,910.07
Ellesmere Road.....	Claudius Gate.....	H.E.P.C.....	2,162.40
Craigton Drive.....	Victoria Park Ave.....	Rannock Street.....	1,082.50
Rannock Street.....	Craigton Drive.....	Pharmacy Avenue.....	
Victoria Park Ave.....	125 ft. north of centre line of Janet Blvd.....	190 ft. south of centre line of Janet Blvd.....	6,447.50
Pharmacy Ave.....	Sherwood Avenue.....	Janet Blvd.....	

SCHEDULE B—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Birchmount Road.....	Lawrence Avenue.....	Exford Road.....	\$ 15,639.45
Lawrence Avenue.....	Birchmount Road.....	A distance of 760 ft. to east limit Plan 4633.....	
Exford Drive.....	Birchmount Road.....	A distance of 875 ft. to east limit Plan 4633.....	
Warden Avenue.....	500 ft. south of Sylla Avenue.....	North limit Lot 349.....	20,222.84
Sylla Avenue.....	Budea Crescent.....	Warden Avenue.....	
Budea Crescent.....	Ellesmere Road.....	Sylla Avenue.....	
Ellesmere Road.....	150 ft. west Lot 1.....	Budea Crescent.....	
Lupin Drive.....	Warden Avenue.....	West limit Lot 38.....	34,426.95
Victoria Park Ave.....	Ellesmere Road.....	760 ft. north of Terraview Blvd.....	
Pharmacy Avenue.....	Ellesmere Road.....	125 ft. north of Shandon Drive.....	
Ellesmere Road.....	120 ft. east of Crossland Drive.....	Victoria Park Avenue.....	
Pachino Boulevard.....	Rothwell Drive.....	120 ft. east of Crossland Drive.....	
Terraview Boulevard.....	Rothwell Drive.....	Pharmacy Avenue.....	4,359.03
Hill Crescent.....	Markham Road.....	East limit Plan 4185.....	
Markham Road.....	Kingston Road.....	Hill Crescent.....	
			1,263.65
			<u>\$173,536.58</u>

SCHEDULE C

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Exford Drive.....	Canlish Road.....	Ellendale Drive.....	\$ 3,436.25
Ellendale Drive.....	Cornwallis Drive.....	Canlish Road.....	
Birchmount Drive.....	Lot 162.....	Jaguar Boulevard.....	530.00
Nelson Street.....	Bellamy Road.....	100 feet west of west street line of Markham Road.....	10,375.30
Kennedy Road.....	Bellbrook Road.....	4th Concession Road.....	16,069.60
4th Concession Road.....	Kennedy Road.....	1,150 feet west.....	
Lawrence Avenue.....	Rushley Drive.....	Brimley Road.....	6,133.16
Old Danforth Road.....	West limit of plan.....	Markham Road.....	2,600.00
Midland Avenue.....	Eglinton Avenue.....	North limit of subdivision.....	11,087.00
Markham Road.....	Old Danforth Road.....	Tenderdon Drive.....	17,688.75
Danforth Road.....	Lot 70, Plan 4975.....	Markham Road.....	
			<u>\$67,920.06</u>

SCHEDULE D

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Sheppard Avenue.....	Pharmacy Avenue.....	Warden Avenue.....	
Pharmacy Avenue.....	370 ft. south of Sheppard Ave.....	Sheppard Avenue.....	
Warden Avenue.....	Sheppard Avenue.....	Scarden Road.....	
Wishing Well Drive.....	Pharmacy Avenue.....	Vradenburg Drive.....	\$ 21,768.00
Vradenburg Drive.....	Wishing Well Drive.....	Lowcrest Blvd.....	
Lowcrest Blvd.....	Wilgress Road.....	Vradenburg Drive.....	
Minford Avenue.....	Warden Avenue.....	East limit Reg. Plan 4539.....	2,500.00
McCowan Road.....	South limit of H.E.P.C.....	North limit Reg. Plan 4896.....	15,836.00
McCowan Road.....	Danforth Road.....	Lawrence Avenue.....	
Danforth Road.....	North limit Reg. Plan 4567.....	McCowan Road.....	5,070.00
Seminole Road.....	Brimley Road.....	McCowan Road.....	
McCowan Road.....	Seminole Road.....	South limit Block "A" Reg. Plan 4699.....	
Danforth Road.....	Eglinton Avenue.....	North limit Reg. Plan 4672.....	14,000.00
Danforth Road.....	South limit Reg. Plan 4567.....	North limit Reg. Plan 4567.....	
Scarborough Golf Club Road.....	Lawrence Avenue.....	North limit of Golddale Gardens Property.....	9,675.00
Scarborough Golf Club Road.....	South limit of H.E.P.C.....	South limit Reg. Plan 5021.....	8,800.00
Lawrence Avenue.....	Kennedy Road.....	West limit Block "A", Reg. Plan 4310.....	3,500.00
Lawrence Avenue.....	West Hill Elevated Tank.....	Overture Road.....	1,000.00
Pharmacy Avenue.....	Sheppard Avenue.....	3,310 ft. south of Sheppard Ave.....	11,333.50
Orton Park Road.....	Lawrence Avenue.....	North limit Reg. Plan 5035.....	5,800.00

SCHEDULE D—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Lawrence Avenue.....	McCowan Road.....	Bellamy Road.....	\$ 37,000.00
McCowan Road.....	Lawrence Avenue.....	North limit Reg. Plan M.674.....	
Lawrence Avenue.....	Brimley Road.....	West limit Reg. Plan 4816.....	8,000.00
Bellamy Road.....	Burnview Crescent.....	Lawrence Avenue.....	2,800.00
Midland Avenue.....	Lot 13, Plan M.700.....	Lot 137, Plan M.700.....	3,938.00
Scarborough Golf Club Road....	South limit of Reg. Plan 5035.....	North limit of Reg. Plan 5035.....	3,050.00
McCowan Road.....	Senninole Road.....	South limit Reg. Plan 4853.....	2,302.85
McCowan Road.....	South limit Block "A" Reg. Plan 4699	North limit Reg. Plan 4853.....	
			<u>\$156,373.35</u>

Totals:	
Schedule B	\$ 173,536.58
C	67,920.06
D	156,373.35
	<u>\$ 397,829.99</u>

An Act respecting
the Township of Scarborough

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 29th, 1957

MR. SUTTON

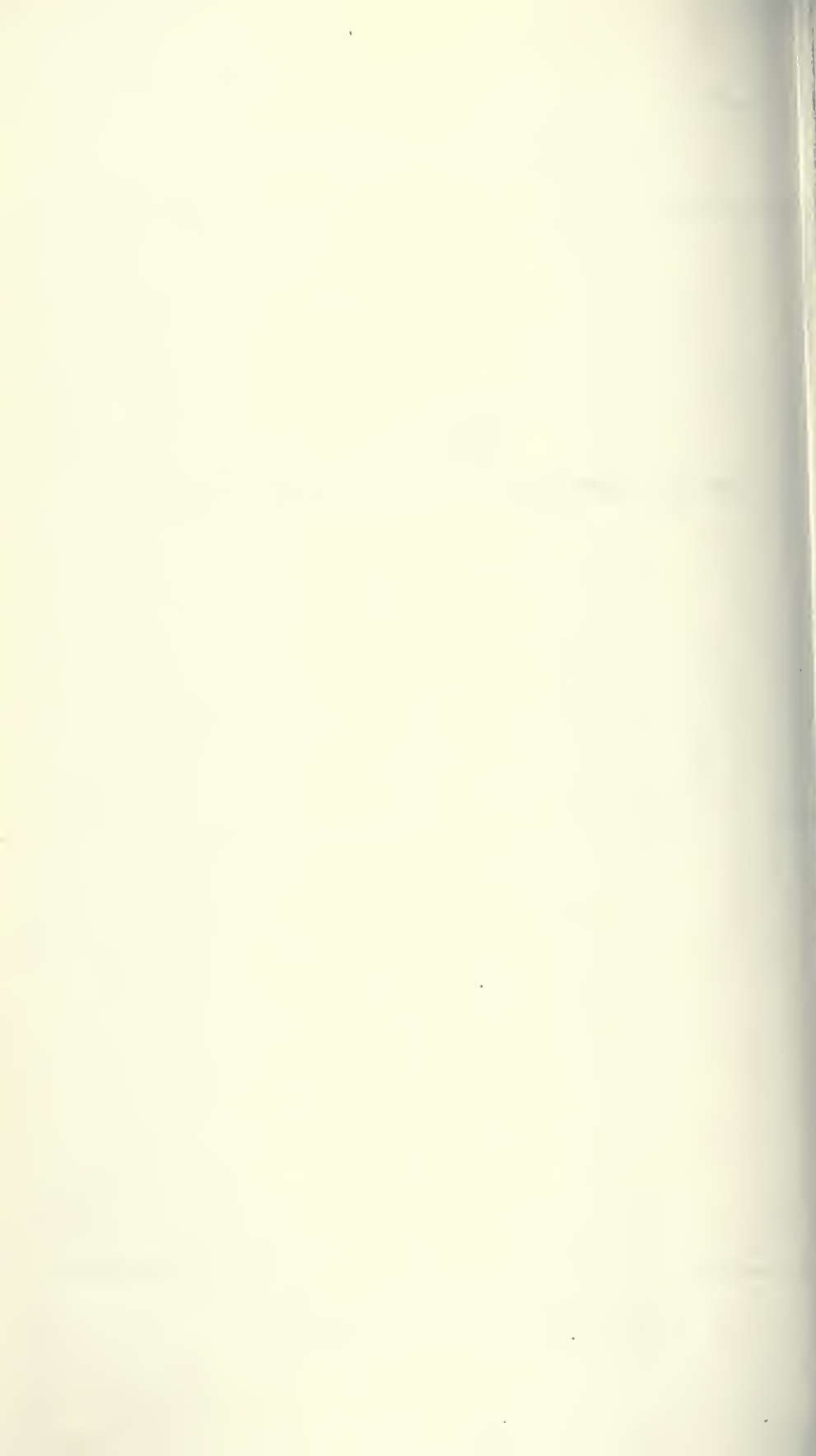
3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Etobicoke

MR. LEWIS

(PRIVATE BILL)



BILL

An Act respecting the Township of Etobicoke

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has represented that it has by By-law No. 6763 and amendments provided pensions for full-time employees of the Corporation, which by-law was passed pursuant to *The Municipal Act* which permits only the providing of such pensions by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer, and that it considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the council of the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1950,
c. 243R.S.C. 1952,
c. 132R.S.O. 1950,
c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, the council of the Corporation may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of the Corporation or any local board thereof, or any class of employees and their wives and children.

Pensions

(2) For the purposes of this section, "employee" has the same meaning as in subclause i of clause a of paragraph 48 of section 386 of *The Municipal Act*.

Interpre-
tation

2. Subsection 1 of section 300 of *The Municipal Act* shall not apply to any by-law passed under section 1 or to any debt incurred thereby.

Application
of
R.S.O. 1950,
c. 243, s. 300,
subs. 1

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Township of Etobicoke Act, 1957*.

Short title

An Act respecting
the Township of Etobicoke

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Township of Etobicoke

MR. LEWIS



BILL

An Act respecting the Township of Etobicoke

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has represented that it has by By-law No. 6763 and amendments provided pensions for full-time employees of the Corporation, which by-law was passed pursuant to *The Municipal Act* which permits only the providing of such pensions by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer, and that it considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the council of the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1950,
c. 243R.S.C. 1952,
c. 132R.S.O. 1950,
c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, the council of the Corporation may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of the Corporation or any local board thereof, or any class of employees and their wives and children.

Pensions

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ment

4. This Act may be cited as *The Township of Etobicoke Act, 1957*.

Short title

An Act respecting
the Township of Etobicoke

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. LEWIS

No. 27

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Hamilton

MR. ELLIOTT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpreta-
tion

- (a) "auditors" means the auditors of the Corporation;
- (b) "bank account" means the consolidated sinking fund
bank account established by the Treasurer at a
chartered bank for the deposit of moneys raised by
the Corporation,
 - (i) in accordance with clause *b* of subsection 2 of
section 298*b* of *The Municipal Act*, and R.S.O. 1950,
c. 243
 - (ii) under a by-law passed pursuant to subsections
1 and 2 of section 298*b* of *The Municipal Act*;
- (c) "Chairman" means the chairman of the sinking fund
committee;
- (d) "Committee" means the sinking fund committee;
- (e) "Corporation" means The Corporation of the City
of Hamilton;
- (f) "Council" means the council of the Corporation;
- (g) "Deputy Treasurer" means the Deputy Treasurer of
the Corporation;
- (h) "sinking fund" means moneys raised by the Cor-
poration,

R.S.C. 1950,
c. 243

- (i) in accordance with clause *b* of subsection 2 of section 298*b* of *The Municipal Act*, and
- (ii) under a by-law passed pursuant to subsections 1 and 2 of section 298*b* of *The Municipal Act*,

and includes earnings from moneys on deposit and investments purchased therewith;

(i) "Treasurer" means the Treasurer of the Corporation.

Moneys
raised
for sinking
funds

2. Notwithstanding the provisions of any general or special Act,

- (a) the annual amounts of money that may be raised for each sinking fund under a by-law passed by the Corporation pursuant to subsections 1 and 2 of section 298*b* of *The Municipal Act* shall be deposited by the Treasurer in a bank account established in a chartered bank and which bank account shall be called the consolidated sinking fund bank account;
- (b) the moneys in the bank account may be invested or re-invested by the Committee, appointed pursuant to section 3, in any or all of the following:
 - (i) securities in which a trustee may invest under the provisions of *The Trustee Act*,
 - (ii) debentures of the Corporation, but not more than 25 per cent of the total sinking funds are to be invested in such debentures; and
- (c) the earnings from any moneys on deposit, investments or re-investments described in clauses *a* and *b*,
 - (i) shall form part of the sinking fund, and
 - (ii) where there is more than one sinking fund, shall be apportioned annually by the Committee among all sinking funds in the proportion that the amount of each sinking fund, immediately prior to such apportionment, bears to the total amount of all sinking funds at that time.

R.S.O. 1950,
c. 400

Committee

3.—(1) The assets of the sinking funds shall be administered by a committee called the sinking fund committee, constituted as provided in subsection 2.

(2) The Committee shall be composed of the Treasurer, ^{Composition} who shall be the chairman, and two persons, who are not to be members of the Council, who shall be appointed by and hold office during the pleasure of the Council.

(3) The Committee shall control and manage the sinking ^{Committee to manage sinking funds} funds so that the requirements of each sinking fund are duly provided for.

(4) The two members of the Committee appointed by the ^{Remuneration} Council may be paid out of the current funds of the Corporation such remuneration as the Council may determine.

(4) Two members of the Committee shall be a quorum but ^{Quorum} all investments or re-investments referred to in section 2 must be approved by the Chairman and at least one of the appointed members of the Committee.

(5) Where the office of the Chairman is vacant or the Chair- ^{Vacancy in office of Chairman} man is absent or is unable to carry on his duties through illness or otherwise, the Deputy Treasurer shall act in his stead and when so acting has all the powers and duties of the Chairman.

(6) All cheques drawn on the bank account shall be signed ^{Signing of cheques} by the Chairman and one appointed member of the Committee.

(7) Each member of the Committee shall, before entering ^{Security} upon the duties of his office, give to the Corporation security for the faithful performance of his duties.

(8) The security referred to in subsection 7, ^{Amount of security}

(a) shall be such amount and in such form as the Council may determine; but

(b) shall not be less than the amount that may be recommended to the Council by the auditors,

and in all other respects the provisions of section 251 of *The Municipal Act* apply to such security.

4. Notwithstanding the provisions of any general or special ^{Retirement Fund by-law ratified} Act,

(a) by-law No. 7970, entitled "A By-law to Establish The Hamilton Municipal Retirement Fund", passed by the Council on the 5th day of February, 1957, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the employees thereof; and

(b) the assets and liabilities of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund,
- (iv) The Hamilton Firemen's Benefit Fund,

as at the 31st day of December, 1956, shall be transferred to and assumed by The Hamilton Municipal Retirement Fund established by by-law No. 7970 and any amount payable to or from the plans or funds set forth in subparagraphs i, ii, iii and iv herein is a transaction of The Hamilton Municipal Retirement Fund; and

(c) the members of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund, and
- (iv) The Hamilton Firemen's Benefit Fund,

shall be hereafter members of The Hamilton Municipal Retirement Fund established as set forth in by-law No. 7970; and

(d) the Corporation is empowered,

- (i) to do all such acts, matters and things as are necessary for the full and proper carrying out of its obligations under by-law No. 7970, and
- (ii) to amend by by-law, from time to time and with the approval of the Department of Municipal Affairs, by-law No. 7970.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

6. This Act may be cited as *The City of Hamilton Act, 1957*.

SCHEDULE

By-LAW No. 7970

A By-law to Establish The Hamilton Municipal Retirement Fund

WHEREAS by By-laws 5469, 5646, 5692, 5794, 5995, 6222, 6253, 6602, 7717, 7127 and 7431 The Hamilton Civic Employees' Pension Plan was established effective as of August 1, 1945, to provide annuities for certain eligible employees of the Corporation with the Annuities Branch of the Canadian Department of Labour as insurer, and

WHEREAS by By-laws 5887, 6871 and 7657 a plan to provide retirement allowances was established, effective as of April 5, 1946, for certain eligible employees of the Corporation, and

WHEREAS

- (a) in 1902 The Hamilton Police Benefit Fund was established to provide pension benefits for members of the police force of the Corporation, and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) by By-laws 6344, 6366, 6460 and 6461 the Council agreed to wind up the fund and to apply the monies in the fund, with minor exceptions, towards the cost of purchasing Canadian Government annuities on behalf of the then members of the fund and to finance the existing actuarial deficit at the rate of \$23,700.00 per annum for 30 years and to introduce a plan for pensions and annuities on a contributory basis with the Annuities Branch of the Department of Labour (Canada) as insurer and whereas the procedures which provided for the winding up of the fund were ratified by the Legislature in 1950, and

WHEREAS

- (a) in 1910 The Hamilton Firemen's Benefit Fund was incorporated under the Ontario Insurance Act to provide pension benefits for the firemen of the Corporation and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) in 1954 the City agreed to finance the actuarial deficit in the fund at the rate of \$29,565.00 per annum for 27 years, and

WHEREAS it is desirable that provision be made for uniform benefits throughout all departments of the civic service and, therefore, for the termination of The Hamilton Police Benefit Fund and The Hamilton Firemen's Benefit Fund and for the incorporation of the said two funds and The Hamilton Civic Employees' Pension Plan and The Reserve for Retirement Allowances into one fund in order to provide for equality of treatment to all eligible employees of The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts and establishes herewith The Hamilton Municipal Retirement Fund.

ARTICLE I

DEFINITIONS

1. In this by-law, unless a contrary intention appears,

(a) "Actuary" means an actuary appointed by the Committee,

- (b) "Auditors" means the auditors of The Corporation of the City of Hamilton,
- (c) "Board" means the Board of Control,
- (d) "Committee" means the committee as set forth in Article XIX hereof,
- (e) "Corporation" means The Corporation of the City of Hamilton,
- (f) "Doctor" means a person
 - (i) registered as a legally qualified medical practitioner under *The Medical Act* being Chapter 228, R.S.O. 1950, or
 - (ii) registered under a similar Act of the Province in Canada in which he resides,
- (g) "earnings" means the salary or wages received from the employer during the year,
- (h) "effective date" means January 1, 1957;
- (i) "employee" means any officer, clerk, workman, servant or other person, who is employed by an employer as defined in Article i, Section j, but does not include a person holding an elective office or appointment, and "permanent employee" means a regular full-time employee, and any other employee who meets the requirements as established by the Committee;
- (j) "employer" means the Corporation and may include the following boards and commissions:
 - (i) a public utility commission,
 - (ii) a transportation commission,
 - (iii) the public library board,
 - (iv) the board of park management,
 - (v) the local board of health,
 - (vi) the board of commissioners of police, and
 - any other board, commission, committee, body or local authority established or exercising any power or authority under any special or general Act with respect to any of the affairs or purposes of the Corporation,
- (k) "employment" means service with an employer,
- (l) "fund" means
 - (i) the fund established for the purpose of the Hamilton Municipal Retirement Fund, and
 - (ii) includes the monies contributed thereto by the employer and members, and
 - (iii) includes the investments made therewith, and
 - (iv) includes the earnings and increments thereon, and
 - (v) includes any contracts purchased from an insurer before or after the effective date,
- (m) "insurer" means
 - (i) an Insurance Company, and

- (ii) includes the Minister of Labour for Canada as head of the Annuities Branch of the Department of Labour,
- (n) "member" means an employee who has met the requirements of eligibility for admission to the plan,
- (o) "pension" means the monthly or periodical payments made to a member after he has retired from employment,
- (p) "plan" means this by-law as enacted by the Corporation,
- (q) "previous plan or funds" means the Hamilton Civic Employees' Pension Plan, The Reserve for Retirement Allowances, the Hamilton Police Benefit Fund and the Hamilton Firemen's Benefit Fund.

ARTICLE II

ELIGIBILITY

1. All employees who, as of the effective date, are eligible to be members of a previous plan or fund, are eligible to participate in this plan.
2. All employees
 - (a) who are in the employment on the effective date,
 - (b) who are employed in the future,
 - (c) whose normal retirement age is 60 and who have attained the age of 21,
 - (d) who have attained the age of 25 except those referred to in paragraph (c) herein,
 are eligible for membership in this plan as of the first day of the month following the date on which they have become permanent employees and have completed one year of service.
3. All future employees who meet the requirements for eligibility shall become a member of this plan.
4. Each employee, who as of the effective date of this plan is a member of a previous plan or fund, is a member of this plan and such member
 - (a) may elect in writing to participate in this plan, or
 - (b) retains his rights under the previous plan or fund where he does not elect as provided in paragraph (a) herein.
5. Each employee shall sign a form authorizing the contributions from his earnings as required under the provisions of this by-law.

ARTICLE III

CONTRIBUTIONS BY EMPLOYEES

1. Each member shall contribute periodically by payroll deduction
 - (a) in the case of a member whose normal retirement date is 60 years of age— $6\frac{1}{2}\%$ of earnings, and
 - (b) in the case of all other members— $5\frac{3}{4}\%$ of earnings and
 in all cases contributions shall be made for a maximum period of 35 years and, in determining the maximum period of contribution, there shall be included any period or periods during which service is recognized under a previous plan or fund.

2. If a member is absent without pay and desires that such absence count as pensionable service, he shall contribute on his return an amount equivalent to that which he would have contributed had he not been absent and had received pay at the same rate as that which he was receiving as at the date the leave commenced.
3. Contributions made by members
 - (a) shall not be pledged or assigned as security for a loan,
 - (b) shall not be withdrawn in whole or in part while the member remains in the employment.

ARTICLE IV

CONTRIBUTIONS BY CORPORATIONS

1. The Corporation shall contribute the amount required in excess of the employee contributions to purchase the pension benefits provided under the plan.

ARTICLE V

SERVICE

1. Service for which benefits are provided under this plan
 - (a) shall be the period during which the member has performed services as a permanent employee of an employer and has made the required contributions subsequent
 - (i) to his 21st birthday but prior to his 60th birthday, if his normal retirement age is 60, and
 - (ii) to his 25th birthday but prior to his 65th birthday, if his normal retirement age is 65, but
 - (b) includes
 - (i) any period or periods of service recognized as such under any previous plan or fund,
 - (ii) periods of absence with leave with pay,
 - (iii) the one-year waiting period referred to in section 2 of Article II, if the member makes the required contribution for such period,
 - (iv) sick leave with pay, but

does not include absence without leave nor any period or periods of lay-off.

2. Years of service shall be the total of the periods of service expressed in terms of years and completed months.
3. Years of service shall be limited to a maximum period of 35 years for the purpose of calculating benefits under this plan.

ARTICLE VI

VESTING

1. Subject to Article VII the right of a member to a deferred pension commencing at his normal retirement date vests with the member after 15 years of service.

ARTICLE VII

REFUND OF CONTRIBUTIONS BY EMPLOYEES
DEFERRED PENSION

1. Notwithstanding Article VI a member has no vested right to a deferred pension if the member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, and
 receives a return of his contributions.
2. Where a member dies prior to his retirement date, his estate, his personal representatives or other beneficiaries shall receive a refund of the total amount contributed by the member under this plan with interest at such rate as may be determined by the Committee.
3. Where a member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, or
 - (d) dies
 prior to his retirement date and he has made contributions to a previous plan or funds, the contributions to such previous plan or funds shall be paid out in accordance with the terms of such previous plan or funds.
4. Where a member terminates his employment by reason of discharge, resignation or quit
 - (a) after fifteen or more years of service, and
 - (b) elects to leave his contributions on deposit in order to receive, upon application, a deferred pension commencing at his normal retirement date,
 the amount of the pension, calculated as set forth in Article XII, shall be determined by using the average earnings of the member during the five-year period immediately prior to the date of the termination of his service.
5. Payment to the member of the amounts described in Sections 1, 2 and 3 herein is in full satisfaction of all his rights under this plan or any previous plan or funds.

ARTICLE VIII

PENSION ON TOTAL AND PERMANENT DISABILITY

1. A member who has had 15 years' service and become totally and permanently disabled shall be entitled to receive a pension calculated, without actuarial reduction, on the average earnings of the member for the 5 years immediately prior to disablement.
2. Permanent incapacity or disability shall not be deemed to have occurred if it has resulted from injuries or ill-health which have arisen
 - (a) from the use of alcohol,
 - (b) from addiction to drugs,

- (c) in committing a serious offence punishable under the Criminal Code of Canada,
 - (d) in or from service in the armed forces of any country.
3. A member shall be considered to be totally and permanently disabled if a doctor selected by the Committee has certified that the member is permanently incapacitated, by reason of a mental or bodily injury or other disease from engaging in gainful employment, except for purposes of rehabilitation.
 4. The Committee, on the basis of the evidence submitted to it may determine if total and permanent disability exists and the determination of the Committee is final and conclusive.
 5. Any member to whom a pension is being paid because of total and permanent disability shall, at the request and expense of the Committee, submit, not more than once a year, to an examination by a doctor.
 6. Should the member refuse to submit to the examination referred to in Section 5 herein, the pension payments shall cease to be made to him, but the discontinued payments may be renewed if the member subsequently submits to such examination.
 7. Where a member who receives a total and permanent disability pension,
 - (a) is in the opinion of the doctor no longer totally incapacitated and the member does not return to his employment, he is entitled to a deferred pension based upon his service as at the date of disability and commencing at his normal retirement date,
 - (b) returns to his employment, his absence during such period of disability shall not be deemed to have been service with the employer.
 8. Payments provided for under this article shall be made during the period of total and permanent disability only.

ARTICLE IX

EARLY RETIREMENT

1. A member may retire at any time within the ten-year period prior to his normal retirement date, provided that he notifies the Committee in writing at least 30 days prior to the date of his early retirement.
2. The pension payable to such member may, at the election of the member, commence immediately or be deferred until normal retirement date.
3. Where at the election of the member the pension is to commence immediately, the pension shall be reduced to the actuarial equivalent of the then attained age of the member.

ARTICLE X

NORMAL RETIREMENT

1. The normal retirement date for members shall be the first day of the month following that in which the member attains his 65th birthday except in those cases where, according to the policies of either the Board of Commissioners of Police or of the Council of the Corporation, provision is made for certain members of either the Police Department or the Fire Department to retire at age 60, in which case the normal retirement date shall be the 1st day of the month following that in which the member attains his 60th birthday.

ARTICLE XI

AMOUNT OF PENSION

1. The yearly amount of pension, payable monthly, upon retirement to a member upon his attained retirement date shall be $1\frac{1}{2}\%$ of the average annual earnings of the member during the five-year period immediately prior to retirement, for each year of service but not in excess of 35 years.

ARTICLE XII

OPTIONAL FORMS OF PENSION

1. A member may, at least three years prior to his retirement, elect to receive a reduced pension
 - (a) guaranteed to continue
 - (i) for 120 monthly payments or
 - (ii) for the lifetime of the member
 whichever is the longer, or
 - (b) guaranteed for the lifetime of the surviving appointed contingent annuitant.
2. Any election under Section 1 herein must be made in writing and filed with the Committee.
3. Where a contingency annuitant is appointed under Section 1 herein, proof of age of such annuitant must be furnished in a form satisfactory to the Committee.
4. The amount of pension payable hereunder shall be determined by the actuary and his determination is final and conclusive.

ARTICLE XIII

EQUATION WITH OLD AGE SECURITY

1. A member who retires at or prior to age 65 may elect at least three years prior to retirement date to accept an increased pension, and in such event the increased pension shall be decreased by the monthly amount payable to the member according to the Old Age Security Act of the Government of Canada at the time at which such amounts commence.
2. The amount of the increased monthly pension shall be determined by the actuary based upon the attained age of the member as at the time the payments commence.
3. The age of a member shall be computed from the first day of the month in which the birthday of the member occurs.

ARTICLE XIV

COMMUTATION OF SMALL PENSIONS

1. If the total yearly pension payable under this plan is less than \$120.00 the Committee
 - (a) may pay such pension in quarterly instalments or on an annual basis, or

- (b) may pay to the employee a lump sum which would be the present value of the pension as at the date of such payment.
- 2. The present value of any pension shall be as determined by the actuary and his determination is final and conclusive.
- 3. The amounts paid under Section 1 herein are to be in full satisfaction of all rights of the member under this or any previous plan or funds.
- 4. Where a pension or any portion thereof is payable under a contract with an insurer, the payment shall be made in accordance with the terms of that contract.

ARTICLE XV

PROOF OF AGE

- 1. Each member shall be required to furnish, in a form satisfactory to the Committee, proof of his age.
- 2. Where proof of age is not furnished to the Committee before retirement, the Committee may, in its absolute discretion, direct that the pension to be paid be based upon an age determined upon the evidence furnished to it.
- 3. Where proof of age is subsequently furnished by the member, the pension shall be adjusted accordingly.

ARTICLE XVI

BENEFICIARIES

- 1. For the purpose of determining the person or persons to whom the amount which is payable upon death is to be made the member shall
 - (a) in writing appoint a beneficiary to whom such amounts are to be paid, and
 - (b) shall file the appointment with the Committee.
- 2. The appointment of a beneficiary
 - (a) may be revoked by the member in writing, or
 - (b) lapses upon the death of that person appointed, but in such event a further appointment shall be made in writing by the member.
- 3. Where a beneficiary is not appointed or an appointment has been revoked or has lapsed and a further appointment has not been made, payments shall be made to the estate or personal representatives of the member.
- 4. Where the pension benefits are provided under a contract with an insurer, the appointment of a beneficiary must be made in accordance with the requirements of the insurer.

ARTICLE XVII

PAYMENT OF PENSION

- 1. Pension payments
 - (a) shall commence on the first day of the month in which the member retires or becomes entitled thereto in accordance with the terms of this Plan, and

- (b) shall continue
 - (i) during the lifetime of the member, or
 - (ii) until 60 monthly payments have been made
whichever is the longer period of time.
- 2. The last pension payment shall be made
 - (a) at the expiration of either the 60-month period, or
 - (b) on the first day of the month in which the member dies,
whichever is the later.
- 3. Where the pension or any portion thereof is payable under a contract with an insurer, the pension payments shall be made in accordance with the terms of that contract.

ARTICLE XVIII

ASSIGNMENT OF BENEFITS

- 1. The pension under this plan
 - (a) shall be paid only to or for the benefit of the member who has retired,
 - (b) shall not be anticipated, pledged, assigned or otherwise encumbered, or be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment of the pension, and any attempted assignment or other encumbrance, attachment, garnishment, execution or levy shall be of no force or effect, except insofar as the law applies.

ARTICLE XIX

ADMINISTRATION

- 1. The management of this plan which is delineated in this by-law shall be entrusted to The Hamilton Municipal Retirement Fund Committee.
- 2. The Committee shall consist of
 - (a) three officers of the Corporation by virtue of their office, namely,
 - (i) the Treasurer,
 - (ii) the Solicitor, and
 - (iii) the Clerk, and
 - (b) three elected representatives, one a member of the Board of Control and two members of the Council, and
 - (c) three employees who are members of the fund and who are to be elected as provided in Article XX.
- 3. The three elected representatives referred to in paragraph (b) of section 2 herein
 - (a) shall be appointed bi-annually by the Council at the commencement of each two-year term of the Council, and
 - (b) shall serve during the pleasure of the Council for a period of two years.

4. Where a vacancy occurs for any reason in the case of any of the elected representatives referred to in paragraph (b) of Section 2 herein, the Council shall appoint another member of the Council to sit on the Committee until the expiration of the two-year term in effect at the time of the vacancy.
5. The Committee shall from amongst its members appoint
 - (a) a chairman who shall call and preside over meetings of the Committee, and
 - (b) a vice-chairman who shall act only in the absence of the chairman.
6. Five members of the Committee shall form a quorum.
7. When votes of members of the Committee are equally divided, the chairman is to have a casting vote.
8. The Committee
 - (a) shall determine questions relating
 - (i) to eligibility for membership,
 - (ii) to length of service,
 - (iii) to early retirement, and
 - (iv) to retirement on total and permanent disability,
 - (b) shall appoint scrutineers as required for the bi-annual election of the employee members referred to in paragraph (c) of Section 2 herein,
 - (c) shall appoint a secretary who is not to be a member of the Committee.
9. The treasurer and auditors shall act as treasurer and auditors of the fund.
10. The treasurer
 - (a) shall maintain whatever information is necessary concerning the members of the fund,
 - (b) shall keep the documents, records and books of account necessary to administer the fund,
 - (c) shall obtain from time to time, an actuarial report or study of the financial status of the fund but not longer than every five years, from the actuary and, upon the receipt of the report, make whatever recommendations are necessary to maintain the solvency of the fund,
 - (d) may subject to the investment policies of the Committee
 - (i) invest the monies of the fund in securities in which a trustee may invest under the provisions of The Trustee Act, being Chapter 400 of the Revised Statutes of Ontario 1950, as amended, and
 - (ii) sell or exchange the securities of the fund when necessary, or
 - (e) may
 - (i) under the terms of an agreement satisfactory to the Committee, and

- (ii) with the approval of the Committee entrust the investment of the monies of the fund to a Trust Company incorporated or registered under the laws of Ontario, and that company may invest the monies of the fund in those investments which are authorized for life insurance companies in Canada under the Canadian and British Life Insurance Companies Act, being Chapter 31 of the Revised Statutes of Canada 1952, in accordance with the provisions of that Act as in force and effect from time to time,
- (f) shall where the monies of the fund are entrusted to a trust company for investment, review from time to time, investments of the fund in order to satisfy himself that the investments are being made in accordance with the provisions of this by-law,
- (g) shall determine the benefits payable to any member or his beneficiaries under the terms of this plan or the previous plan or funds upon termination of employment, retirement or death of the member, but, a member of this plan or a previous plan or fund or his beneficiaries may appeal to the Committee the determination by the treasurer of the benefits payable, and the decision of the Committee is final,
- (h) shall make all payments from the fund in connection with an employee's termination of employment, retirement or death,
- (i) shall prepare an annual report to the Committee and to the Council, which report is to include
 - (i) an audited statement of the assets and liabilities of the fund, and
 - (ii) the revenues and expenditures of the fund, and
 - (iii) detailed comments on the composition and characteristics of the membership of the fund.

ARTICLE XX

ELECTION OF EMPLOYEE MEMBERS OF COMMITTEE

1. The bi-annual election of the three employee members of the Committee shall be held under the direction of the Committee and that election shall be conducted as set out hereunder.
2. The Secretary
 - (a) on behalf of the Committee, during the last week in November in a year in which a civic election is being held, shall convene a meeting of the Committee, at which he shall preside, to receive nominations of candidates for election as employee members of the Committee for a two-year period,
 - (b) shall satisfy himself that sufficient notice has been posted in order to ensure adequate notice of the nomination meeting.
3. Each candidate
 - (a) shall be a member, and
 - (b) shall be proposed orally by one member and seconded by another member

before the nomination may be received and recorded.
4. The nomination of a member not present at the meeting shall be accompanied by a declaration by the proposer and the seconder
 - (a) that they have consulted the member whose name is being proposed, and

- (b) that the member has consented to stand for nomination.
- 5. After the nominations have been declared closed by the Secretary, any nominee may withdraw his name provided written notice of the withdrawal is received by the Secretary within forty-eight hours after the nomination.
- 6. Where
 - (a) not more than three candidates are nominated, the Secretary shall advise the Committee, and the Committee shall declare those nominated to have been elected, and
 - (b) less than three candidates are declared elected, the Secretary shall forthwith convene another meeting for receiving nominations for the additional employee members of the Committee,
 - (c) more candidates have been nominated than are to be elected, the Secretary, upon the expiration of the time in which a nominee may withdraw his name
 - (i) shall fix an election period of not less than seven clear days during which the mail poll hereinafter provided is to be held, and
 - (ii) shall prepare ballots upon which is to be printed the names of those nominees whose names have not been withdrawn.
- 7. At the beginning of the election period in which the mail poll shall be held, there shall be delivered to each member of the fund,
 - (a) an envelope, pre-addressed to the Secretary of The Hamilton Municipal Retirement Fund, and
 - (b) a ballot, marked with the names of all nominees for election, and with instructions thereon for its proper use.
- 8. The member, after he has marked his ballot,
 - (a) shall seal it in the envelope addressed to the Secretary of the fund, and
 - (b) shall mail or shall deliver the sealed envelope to the Secretary within the seven-day period referred to in Section 6 herein, but

deposit of the envelope in a ballot box provided for the purpose constitutes delivery.
- 9. The Secretary, after the expiration of the election period, and, in the presence of the scrutineers
 - (a) shall open each envelope, and
 - (b) shall remove the ballot, and
 - (c) shall assure himself that no ballot contains thereon any member's name or other identification mark, and
 - (d) shall then tabulate the votes.
- 10. Where it appears to the Secretary in tabulating the votes that gross irregularities have taken place in connection with the election, he shall advise the Committee, and the Committee shall order another vote to be taken forthwith.
- 11. The Secretary, on completion of the count,
 - (a) shall prepare a statement giving the names of the candidates and the number of votes received by each, and
 - (b) shall affix to the statement his signature, and

- (c) shall cause the signatures of the scrutineers to be affixed to the statement.

12. The Secretary

- (a) shall deliver the statement referred to in Section 11 herein to the Committee together with a certificate indicating the members who have been elected to the Committee, and
 - (b) upon the request of any member shall make available to that member a copy of the statement.
13. Where the Secretary is at any time absent by reason of illness or any other cause and is unable to discharge his duties in relation to an election as hereinbefore set out, the Committee shall appoint a member who shall act in his place and that member has all the powers hereinbefore set out and possessed by the Secretary in relation to an election.
14. Where a vacancy occurs on the Committee by reason of the death or resignation or retirement of one of the employee members, the Committee shall fill such vacancy for the remainder of the two-year term
- (a) by appointing to the Committee the person properly qualified who received the highest number of votes of those not elected at the last election, and
 - (b) if there is no such person as described under paragraph (a) herein, by appointing some other member for the remainder of the term.
15. An employee representative shall be deemed to have resigned
- (a) if he retires from the service of the Corporation, or
 - (b) if he absents himself from four consecutive meetings of the Committee without the consent of the Committee.

ARTICLE XXI

TRANSFER TO OR FROM FUND

1. Where a member becomes an employee

- (a) of the civil service of Ontario or Canada, or
- (b) of the civic service of any municipality in Ontario, or
- (c) of the staff of any board, commission or public institution established under any Act of the Legislature,

a sum of money, equal to his contribution plus the Corporation's contributions with interest at such rate as the Committee may decide shall be paid out of the fund into any like fund maintained to provide pension benefits for the members of such civil or civic service or staff where such fund or plan provides, in the opinion of the Committee, for a reciprocal arrangement with The Hamilton Municipal Retirement Fund and will recognize the service of that member with the Corporation.

2. Where a member

- (a) of the civil service of Ontario or Canada, or
- (b) of the civic service of any municipality, or
- (c) of the staff of any board, commission or public institution established under any Act of the Legislature

becomes an employee of the Corporation and a sum of money is paid in to The Hamilton Municipal Retirement Fund in respect of the period during which he was a civil servant or civic employee or on the staff of a board, commission or other public institution, the Committee may allow him such credit in respect of the sum of money as may be determined by the actuary if the fund from which the sum of money is transferred provides for a reciprocal arrangement.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. In order to ensure that the rights acquired by any employee covered under a previous plan or fund are not lost or diminished, it is hereby provided
 - (a) that where the pension payable under this plan to a member who has not waived his rights under the previous plan or funds, is less than that which he would have acquired under a previous plan or funds, had such previous plan or funds remained in effect as constituted on the effective date of this plan, the pension payable under this plan shall be increased to the amount which would have been payable under such previous plan or funds, and
 - (b) that after the effective date, no further payments or contributions shall be made
 - (i) to The Hamilton Civic Employees' Pension Plan, and
 - (ii) to The Reserve for Retirement Allowances, and
 - (iii) to The Hamilton Police Benefit Fund, and
 - (iv) to The Hamilton Firemen's Benefit Fund, and
 - (c) that the property held in the above-mentioned previous plan or funds shall be paid over to The Hamilton Municipal Retirement Fund, and thereafter, any amount otherwise payable from or to any of the said previous plan or funds shall be a transaction of The Hamilton Municipal Retirement Fund, and
 - (d) that all contracts with an insurer, purchased for the purpose of providing benefits under a previous plan or funds are and form part of The Hamilton Municipal Retirement Fund, and
 - (e) that the pension to which a member is entitled under this plan is to be reduced by the amount of any pension purchased and payable under any insurance or annuity contract pursuant to the terms of a previous plan or funds and of which such member is the payee.
2. All contracts purchased pursuant to the provisions of any previous plan or funds may be retained subject to any contractual restrictions and may be supplemented by contributions for the purpose of providing a pension accruing under this plan.
3. Where, under a previous plan, there is provision for the payment of a minimum pension benefit, the total of the benefits provided under this plan and any previous plan are not to be less than such minimum, but this section applies only to such members
 - (a) who would have been entitled to such minimum pension had such plan continued in force, and
 - (b) who would have been covered thereunder until retirement.
4. An employee who becomes a member of this plan and who has made the maximum contributions permitted under a previous plan and who desires to include for pension purposes the service subsequent to the period

- (a) when he discontinued making contributions, and
- (b) when he became eligible to be a member of this plan,

may contribute to this plan an additional amount which is equivalent to 5% of the earnings received by him during the period when he was not permitted to make contributions and upon such amount being paid, such service period will be included for the purpose of determining the pension to which the member is entitled under this plan.

5. Subject to Section 6 herein, an employee

- (a) who at the effective date of this plan was a member of a previous plan or fund, and
- (b) who has not consented to become a member of this plan,

shall continue to make contributions as required under the previous plan or fund.

6. The contributions made and received pursuant to Section 5 herein shall be applied in the same manner as if the previous plan or funds remain in force and effect, and the provisions of that previous plan or fund apply in respect of the said contributions.
7. An employee described in Sections 5 and 6 herein, may elect to become a member of this plan

- (a) at any time after the effective date but must elect not later than three years before his retirement date,
- (b) within one year after the effective date where paragraph (a) herein does not apply in that his retirement will be effected within a period less than three years of the effective date,

by agreeing to make additional contributions equal to the difference between the amount contributed by him in accordance with the terms of the previous plan or fund and what he would have contributed under this plan, with interest thereon, compounded at 4 per cent per annum from the effective date of this plan until the date upon which he elects to become a member of this plan, together with such future contributions as are required under the provisions of this plan.

8. An employee for whom membership in a previous plan was optional but who did not elect to join the previous plan may become a member of this plan, but the periods of service prior to the effective date of this plan are not to be recognized unless the member pays into this fund the contributions which he would have made to the previous plan together with such interest as may be determined by the Committee.
9. Any contributions made by a member pursuant to Sections 4, 5, 6, 7 and 8 herein shall be paid upon such terms and conditions as may be determined by the Committee.

10. Any member of a previous plan or fund

- (a) who became a member of a previous plan or fund between the ages of 18 and 25 inclusive, and
- (b) who is under the age of 25 at the effective date of this Plan

is eligible for immediate membership in this plan and the member's period of contributory service prior to the age of 25 shall be considered to be service in the calculation of benefits under this plan but such contributions shall cease after a maximum of 35 years of contributory service.

11. (1) A male employee at the effective date
 - (a) who has been a member of The Hamilton Civic Employees' Pension Plan, and
 - (b) who has attained the age of 50, and
 - (c) who becomes a member of this plan
 may with the consent of the Board, given annually, be continued in the employment after attaining the age of 65, but not after attaining the age of 70.
- (2) The pension of a member referred to in subsection (1) herein shall be based upon
 - (a) the average earnings of that member for the five years preceding his actual retirement date, and
 - (b) the years of service at the time of his actual retirement date but not in excess of 35 years.
- (3) Notwithstanding the provisions of Articles V and X the actual retirement date of a member who is continued in the employment pursuant to subsection (1) herein shall be his normal retirement date.
12. A member of a previous plan or funds, who retires on or after January 1, 1957, shall receive the greater of the pension calculated under the provisions of this plan or a previous plan or funds if he elects to join this plan.
13. The contributions by members as set forth in Article III are to commence as at July 1st, 1957.

ARTICLE XXIII

1. This By-law
 - (a) upon its being enacted by the Council of The Corporation of the City of Hamilton, and
 - (b) upon being confirmed by the Legislative Assembly of the Province of Ontario

is to come into force on the 1st day of January, A.D. 1957.

PASSED by the Council of The Corporation of the City of Hamilton this Fifth day of February, A.D. 1957.

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

An Act respecting
the City of Hamilton

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. ELLIOT

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Hamilton

MR. ELLIOTT

(Reprinted as amended by the Committee of the Whole House)

No. 27

1957

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Committee" means the sinking fund committee;
- (b) "Corporation" means The Corporation of the City of Hamilton.

2. Notwithstanding the provisions of any general or special Sinking
funds Act,

- (a) the council of the Corporation may provide in any money by-law that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures;
- (b) when sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures as it becomes due;
- (c) when sinking fund debentures are issued, the Committee shall keep one or more consolidated bank accounts in which,
 - (i) the treasurer of the Corporation shall deposit each year during the term of the debentures

the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds, and

- (ii) there shall be deposited all earnings derived from, and all proceeds of the sale or maturity or redemption prior to maturity of, sinking fund investments;
- (d) when sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine;
- (e) the treasurer of the Corporation shall be the chairman and treasurer of the Committee and in his absence the appointed members may appoint one of themselves as acting chairman;
- (f) each member of the Committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, in such amount as the auditors of the Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security;
- (g) two members of the Committee shall be a quorum and all investments and sales of investments must be approved by the treasurer of the Corporation and one other member of the Committee;
- (h) all assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the Committee;
- (i) all withdrawals from the consolidated bank accounts shall be authorized by the Committee, and all cheques on the consolidated bank accounts shall be signed by the treasurer of the Corporation and one other member of the Committee;
- (j) the Committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investment;

(k) the moneys in the consolidated bank accounts shall be invested in debentures of the Corporation or other securities in which a trustee may invest under the provisions of *The Trustee Act* or in securities issued by the United States of America; R.S.O. 1950,
c. 400

(l) all securities acquired by the Committee as investments for sinking fund purposes shall be deposited for safekeeping in a chartered bank or trust company until they are sold or mature or are called for redemption prior to maturity;

(m) all sinking fund debentures issued on the same date, maturing on the same date and payable in the same currency, notwithstanding that they are issued under one or more by-laws, shall be represented by one sinking fund account;

(n) where there is more than one sinking fund debenture by-law outstanding, the earnings from sinking fund investments in each year shall be apportioned by the Committee among all the sinking funds in the proportion that the increase during that year in the accumulated interest as provided for in clause *b* on the specific amount required to be deposited annually during the currency of each sinking fund debenture by-law bears to the total of all the increases during that year in the accumulated interest as provided for in clause *b* on all the specific amounts required to be deposited annually during the currency of all outstanding sinking fund debenture by-laws;

(o) where the office of the treasurer of the Corporation is vacant or the treasurer is absent or is unable to carry on his duties through illness or otherwise, the deputy treasurer of the Corporation shall act in his stead and when so acting has all the powers and duties of the treasurer as a member and as treasurer of the Committee.

3. Notwithstanding the provisions of any general or special Act, Retirement
Fund
by-law
ratified

(a) by-law No. 7970, entitled "A By-law to Establish The Hamilton Municipal Retirement Fund", passed by the Council on the 5th day of February, 1957, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the employees thereof; and

(b) the assets and liabilities of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund,
- (iv) The Hamilton Firemen's Benefit Fund,

as at the 31st day of December, 1956, shall be transferred to and assumed by The Hamilton Municipal Retirement Fund established by by-law No. 7970 and any amount payable to or from the plans or funds set forth in subparagraphs i, ii, iii and iv herein is a transaction of The Hamilton Municipal Retirement Fund; and

(c) the members of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund, and
- (iv) The Hamilton Firemen's Benefit Fund,

shall be hereafter members of The Hamilton Municipal Retirement Fund established as set forth in by-law No. 7970; and

(d) the Corporation is empowered,

- (i) to do all such acts, matters and things as are necessary for the full and proper carrying out of its obligations under by-law No. 7970, and
- (ii) to amend by by-law, from time to time and with the approval of the Department of Municipal Affairs, by-law No. 7970.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1957*.

SCHEDULE

By-LAW No. 7970

A By-law to Establish The Hamilton Municipal Retirement Fund

WHEREAS by By-laws 5469, 5646, 5692, 5794, 5995, 6222, 6253, 6602, 7717, 7127 and 7431 The Hamilton Civic Employees' Pension Plan was established effective as of August 1, 1945, to provide annuities for certain eligible employees of the Corporation with the Annuities Branch of the Canadian Department of Labour as insurer, and

WHEREAS by By-laws 5887, 6871 and 7657 a plan to provide retirement allowances was established, effective as of April 5, 1946, for certain eligible employees of the Corporation, and

WHEREAS

- (a) in 1902 The Hamilton Police Benefit Fund was established to provide pension benefits for members of the police force of the Corporation, and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) by By-laws 6344, 6366, 6460 and 6461 the Council agreed to wind up the fund and to apply the monies in the fund, with minor exceptions, towards the cost of purchasing Canadian Government annuities on behalf of the then members of the fund and to finance the existing actuarial deficit at the rate of \$23,700.00 per annum for 30 years and to introduce a plan for pensions and annuities on a contributory basis with the Annuities Branch of the Department of Labour (Canada) as insurer and whereas the procedures which provided for the winding up of the fund were ratified by the Legislature in 1950, and

WHEREAS

- (a) in 1910 The Hamilton Firemen's Benefit Fund was incorporated under the Ontario Insurance Act to provide pension benefits for the firemen of the Corporation and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) in 1954 the City agreed to finance the actuarial deficit in the fund at the rate of \$29,565.00 per annum for 27 years, and

WHEREAS it is desirable that provision be made for uniform benefits throughout all departments of the civic service and, therefore, for the termination of The Hamilton Police Benefit Fund and The Hamilton Firemen's Benefit Fund and for the incorporation of the said two funds and The Hamilton Civic Employees' Pension Plan and The Reserve for Retirement Allowances into one fund in order to provide for equality of treatment to all eligible employees of The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts and establishes herewith The Hamilton Municipal Retirement Fund.

ARTICLE I

DEFINITIONS

1. In this by-law, unless a contrary intention appears,

- (a) "Actuary" means an actuary appointed by the Committee,

- (b) "Auditors" means the auditors of The Corporation of the City of Hamilton,
- (c) "Board" means the Board of Control,
- (d) "Committee" means the committee as set forth in Article XIX hereof,
- (e) "Corporation" means The Corporation of the City of Hamilton,
- (f) "Doctor" means a person
 - (i) registered as a legally qualified medical practitioner under *The Medical Act* being Chapter 228, R.S.O. 1950, or
 - (ii) registered under a similar Act of the Province in Canada in which he resides,
- (g) "earnings" means the salary or wages received from the employer during the year,
- (h) "effective date" means January 1, 1957;
- (i) "employee" means any officer, clerk, workman, servant or other person, who is employed by an employer as defined in Article i, Section j, but does not include a person holding an elective office or appointment, and "permanent employee" means a regular full-time employee, and any other employee who meets the requirements as established by the Committee;
- (j) "employer" means the Corporation and may include the following boards and commissions:
 - (i) a public utility commission,
 - (ii) a transportation commission,
 - (iii) the public library board,
 - (iv) the board of park management,
 - (v) the local board of health,
 - (vi) the board of commissioners of police, and
 any other board, commission, committee, body or local authority established or exercising any power or authority under any special or general Act with respect to any of the affairs or purposes of the Corporation,
- (k) "employment" means service with an employer,
- (l) "fund" means
 - (i) the fund established for the purpose of the Hamilton Municipal Retirement Fund, and
 - (ii) includes the monies contributed thereto by the employer and members, and
 - (iii) includes the investments made therewith, and
 - (iv) includes the earnings and increments thereon, and
 - (v) includes any contracts purchased from an insurer before or after the effective date,
- (m) "insurer" means
 - (i) an Insurance Company, and

- (ii) includes the Minister of Labour for Canada as head of the Annuities Branch of the Department of Labour,
- (n) "member" means an employee who has met the requirements of eligibility for admission to the plan,
- (o) "pension" means the monthly or periodical payments made to a member after he has retired from employment,
- (p) "plan" means this by-law as enacted by the Corporation,
- (q) "previous plan or funds" means the Hamilton Civic Employees' Pension Plan, The Reserve for Retirement Allowances, the Hamilton Police Benefit Fund and the Hamilton Firemen's Benefit Fund.

ARTICLE II

ELIGIBILITY

1. All employees who, as of the effective date, are eligible to be members of a previous plan or fund, are eligible to participate in this plan.
2. All employees
 - (a) who are in the employment on the effective date,
 - (b) who are employed in the future,
 - (c) whose normal retirement age is 60 and who have attained the age of 21,
 - (d) who have attained the age of 25 except those referred to in paragraph (c) herein,
 are eligible for membership in this plan as of the first day of the month following the date on which they have become permanent employees and have completed one year of service.
3. All future employees who meet the requirements for eligibility shall become a member of this plan.
4. Each employee, who as of the effective date of this plan is a member of a previous plan or fund, is a member of this plan and such member
 - (a) may elect in writing to participate in this plan, or
 - (b) retains his rights under the previous plan or fund where he does not elect as provided in paragraph (a) herein.
5. Each employee shall sign a form authorizing the contributions from his earnings as required under the provisions of this by-law.

ARTICLE III

CONTRIBUTIONS BY EMPLOYEES

1. Each member shall contribute periodically by payroll deduction
 - (a) in the case of a member whose normal retirement date is 60 years of age— $6\frac{1}{2}\%$ of earnings, and
 - (b) in the case of all other members— $5\frac{3}{4}\%$ of earnings and
 in all cases contributions shall be made for a maximum period of 35 years and, in determining the maximum period of contribution, there shall be included any period or periods during which service is recognized under a previous plan or fund.

2. If a member is absent without pay and desires that such absence count as pensionable service, he shall contribute on his return an amount equivalent to that which he would have contributed had he not been absent and had received pay at the same rate as that which he was receiving as at the date the leave commenced.
3. Contributions made by members
 - (a) shall not be pledged or assigned as security for a loan,
 - (b) shall not be withdrawn in whole or in part while the member remains in the employment.

ARTICLE IV

CONTRIBUTIONS BY CORPORATIONS

1. The Corporation shall contribute the amount required in excess of the employee contributions to purchase the pension benefits provided under the plan.

ARTICLE V

SERVICE

1. Service for which benefits are provided under this plan
 - (a) shall be the period during which the member has performed services as a permanent employee of an employer and has made the required contributions subsequent
 - (i) to his 21st birthday but prior to his 60th birthday, if his normal retirement age is 60, and
 - (ii) to his 25th birthday but prior to his 65th birthday, if his normal retirement age is 65, but
 - (b) includes
 - (i) any period or periods of service recognized as such under any previous plan or fund,
 - (ii) periods of absence with leave with pay,
 - (iii) the one-year waiting period referred to in section 2 of Article II, if the member makes the required contribution for such period,
 - (iv) sick leave with pay, but

does not include absence without leave nor any period or periods of lay-off.
2. Years of service shall be the total of the periods of service expressed in terms of years and completed months.
3. Years of service shall be limited to a maximum period of 35 years for the purpose of calculating benefits under this plan.

ARTICLE VI

VESTING

1. Subject to Article VII the right of a member to a deferred pension commencing at his normal retirement date vests with the member after 15 years of service.

ARTICLE VII

REFUND OF CONTRIBUTIONS BY EMPLOYEES
DEFERRED PENSION

1. Notwithstanding Article VI a member has no vested right to a deferred pension if the member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, and
 receives a return of his contributions.
2. Where a member dies prior to his retirement date, his estate, his personal representatives or other beneficiaries shall receive a refund of the total amount contributed by the member under this plan with interest at such rate as may be determined by the Committee.
3. Where a member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, or
 - (d) dies
 prior to his retirement date and he has made contributions to a previous plan or funds, the contributions to such previous plan or funds shall be paid out in accordance with the terms of such previous plan or funds.
4. Where a member terminates his employment by reason of discharge, resignation or quit
 - (a) after fifteen or more years of service, and
 - (b) elects to leave his contributions on deposit in order to receive, upon application, a deferred pension commencing at his normal retirement date,
 the amount of the pension, calculated as set forth in Article XII, shall be determined by using the average earnings of the member during the five-year period immediately prior to the date of the termination of his service.
5. Payment to the member of the amounts described in Sections 1, 2 and 3 herein is in full satisfaction of all his rights under this plan or any previous plan or funds.

ARTICLE VIII

PENSION ON TOTAL AND PERMANENT DISABILITY

1. A member who has had 15 years' service and become totally and permanently disabled shall be entitled to receive a pension calculated, without actuarial reduction, on the average earnings of the member for the 5 years immediately prior to disablement.
2. Permanent incapacity or disability shall not be deemed to have occurred if it has resulted from injuries or ill-health which have arisen
 - (a) from the use of alcohol,
 - (b) from addiction to drugs,

- (c) in committing a serious offence punishable under the Criminal Code of Canada,
 - (d) in or from service in the armed forces of any country.
3. A member shall be considered to be totally and permanently disabled if a doctor selected by the Committee has certified that the member is permanently incapacitated, by reason of a mental or bodily injury or other disease from engaging in gainful employment, except for purposes of rehabilitation.
 4. The Committee, on the basis of the evidence submitted to it may determine if total and permanent disability exists and the determination of the Committee is final and conclusive.
 5. Any member to whom a pension is being paid because of total and permanent disability shall, at the request and expense of the Committee, submit, not more than once a year, to an examination by a doctor.
 6. Should the member refuse to submit to the examination referred to in Section 5 herein, the pension payments shall cease to be made to him, but the discontinued payments may be renewed if the member subsequently submits to such examination.
 7. Where a member who receives a total and permanent disability pension,
 - (a) is in the opinion of the doctor no longer totally incapacitated and the member does not return to his employment, he is entitled to a deferred pension based upon his service as at the date of disability and commencing at his normal retirement date,
 - (b) returns to his employment, his absence during such period of disability shall not be deemed to have been service with the employer.
 8. Payments provided for under this article shall be made during the period of total and permanent disability only.

ARTICLE IX

EARLY RETIREMENT

1. A member may retire at any time within the ten-year period prior to his normal retirement date, provided that he notifies the Committee in writing at least 30 days prior to the date of his early retirement.
2. The pension payable to such member may, at the election of the member, commence immediately or be deferred until normal retirement date.
3. Where at the election of the member the pension is to commence immediately, the pension shall be reduced to the actuarial equivalent of the then attained age of the member.

ARTICLE X

NORMAL RETIREMENT

1. The normal retirement date for members shall be the first day of the month following that in which the member attains his 65th birthday except in those cases where, according to the policies of either the Board of Commissioners of Police or of the Council of the Corporation, provision is made for certain members of either the Police Department or the Fire Department to retire at age 60, in which case the normal retirement date shall be the 1st day of the month following that in which the member attains his 60th birthday.

ARTICLE XI

AMOUNT OF PENSION

1. The yearly amount of pension, payable monthly, upon retirement to a member upon his attained retirement date shall be $1\frac{1}{2}\%$ of the average annual earnings of the member during the five-year period immediately prior to retirement, for each year of service but not in excess of 35 years.

ARTICLE XII

OPTIONAL FORMS OF PENSION

1. A member may, at least three years prior to his retirement, elect to receive a reduced pension
 - (a) guaranteed to continue
 - (i) for 120 monthly payments or
 - (ii) for the lifetime of the member
 whichever is the longer, or
 - (b) guaranteed for the lifetime of the surviving appointed contingent annuitant.
2. Any election under Section 1 herein must be made in writing and filed with the Committee.
3. Where a contingency annuitant is appointed under Section 1 herein, proof of age of such annuitant must be furnished in a form satisfactory to the Committee.
4. The amount of pension payable hereunder shall be determined by the actuary and his determination is final and conclusive.

ARTICLE XIII

EQUATION WITH OLD AGE SECURITY

1. A member who retires at or prior to age 65 may elect at least three years prior to retirement date to accept an increased pension, and in such event the increased pension shall be decreased by the monthly amount payable to the member according to the Old Age Security Act of the Government of Canada at the time at which such amounts commence.
2. The amount of the increased monthly pension shall be determined by the actuary based upon the attained age of the member as at the time the payments commence.
3. The age of a member shall be computed from the first day of the month in which the birthday of the member occurs.

ARTICLE XIV

COMMUTATION OF SMALL PENSIONS

1. If the total yearly pension payable under this plan is less than \$120.00 the Committee
 - (a) may pay such pension in quarterly instalments or on an annual basis, or

- (b) may pay to the employee a lump sum which would be the present value of the pension as at the date of such payment.
- 2. The present value of any pension shall be as determined by the actuary and his determination is final and conclusive.
- 3. The amounts paid under Section 1 herein are to be in full satisfaction of all rights of the member under this or any previous plan or funds.
- 4. Where a pension or any portion thereof is payable under a contract with an insurer, the payment shall be made in accordance with the terms of that contract.

ARTICLE XV

PROOF OF AGE

- 1. Each member shall be required to furnish, in a form satisfactory to the Committee, proof of his age.
- 2. Where proof of age is not furnished to the Committee before retirement, the Committee may, in its absolute discretion, direct that the pension to be paid be based upon an age determined upon the evidence furnished to it.
- 3. Where proof of age is subsequently furnished by the member, the pension shall be adjusted accordingly.

ARTICLE XVI

BENEFICIARIES

- 1. For the purpose of determining the person or persons to whom the amount which is payable upon death is to be made the member shall
 - (a) in writing appoint a beneficiary to whom such amounts are to be paid, and
 - (b) shall file the appointment with the Committee.
- 2. The appointment of a beneficiary
 - (a) may be revoked by the member in writing, or
 - (b) lapses upon the death of that person appointed, but in such event a further appointment shall be made in writing by the member.
- 3. Where a beneficiary is not appointed or an appointment has been revoked or has lapsed and a further appointment has not been made, payments shall be made to the estate or personal representatives of the member.
- 4. Where the pension benefits are provided under a contract with an insurer, the appointment of a beneficiary must be made in accordance with the requirements of the insurer.

ARTICLE XVII

PAYMENT OF PENSION

- 1. Pension payments
 - (a) shall commence on the first day of the month in which the member retires or becomes entitled thereto in accordance with the terms of this Plan, and

- (b) shall continue
 - (i) during the lifetime of the member, or
 - (ii) until 60 monthly payments have been made
 whichever is the longer period of time.
- 2. The last pension payment shall be made
 - (a) at the expiration of either the 60-month period, or
 - (b) on the first day of the month in which the member dies,
 whichever is the later.
- 3. Where the pension or any portion thereof is payable under a contract with an insurer, the pension payments shall be made in accordance with the terms of that contract.

ARTICLE XVIII

ASSIGNMENT OF BENEFITS

- 1. The pension under this plan
 - (a) shall be paid only to or for the benefit of the member who has retired,
 - (b) shall not be anticipated, pledged, assigned or otherwise encumbered, or be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment of the pension, and any attempted assignment or other encumbrance, attachment, garnishment, execution or levy shall be of no force or effect, except insofar as the law applies.

ARTICLE XIX

ADMINISTRATION

- 1. The management of this plan which is delineated in this by-law shall be entrusted to The Hamilton Municipal Retirement Fund Committee.
- 2. The Committee shall consist of
 - (a) three officers of the Corporation by virtue of their office, namely,
 - (i) the Treasurer,
 - (ii) the Solicitor, and
 - (iii) the Clerk, and
 - (b) three elected representatives, one a member of the Board of Control and two members of the Council, and
 - (c) three employees who are members of the fund and who are to be elected as provided in Article XX.
- 3. The three elected representatives referred to in paragraph (b) of section 2 herein
 - (a) shall be appointed bi-annually by the Council at the commencement of each two-year term of the Council, and
 - (b) shall serve during the pleasure of the Council for a period of two years.

4. Where a vacancy occurs for any reason in the case of any of the elected representatives referred to in paragraph (b) of Section 2 herein, the Council shall appoint another member of the Council to sit on the Committee until the expiration of the two-year term in effect at the time of the vacancy.
5. The Committee shall from amongst its members appoint
 - (a) a chairman who shall call and preside over meetings of the Committee, and
 - (b) a vice-chairman who shall act only in the absence of the chairman.
6. Five members of the Committee shall form a quorum.
7. When votes of members of the Committee are equally divided, the chairman is to have a casting vote.
8. The Committee
 - (a) shall determine questions relating
 - (i) to eligibility for membership,
 - (ii) to length of service,
 - (iii) to early retirement, and
 - (iv) to retirement on total and permanent disability,
 - (b) shall appoint scrutineers as required for the bi-annual election of the employee members referred to in paragraph (c) of Section 2 herein,
 - (c) shall appoint a secretary who is not to be a member of the Committee.
9. The treasurer and auditors shall act as treasurer and auditors of the fund.
10. The treasurer
 - (a) shall maintain whatever information is necessary concerning the members of the fund,
 - (b) shall keep the documents, records and books of account necessary to administer the fund,
 - (c) shall obtain from time to time, an actuarial report or study of the financial status of the fund but not longer than every five years, from the actuary and, upon the receipt of the report, make whatever recommendations are necessary to maintain the solvency of the fund,
 - (d) may subject to the investment policies of the Committee
 - (i) invest the monies of the fund in securities in which a trustee may invest under the provisions of The Trustee Act, being Chapter 400 of the Revised Statutes of Ontario 1950, as amended, and
 - (ii) sell or exchange the securities of the fund when necessary, or
 - (e) may
 - (i) under the terms of an agreement satisfactory to the Committee, and

- (ii) with the approval of the Committee entrust the investment of the monies of the fund to a Trust Company incorporated or registered under the laws of Ontario, and that company may invest the monies of the fund in those investments which are authorized for life insurance companies in Canada under the Canadian and British Life Insurance Companies Act, being Chapter 31 of the Revised Statutes of Canada 1952, in accordance with the provisions of that Act as in force and effect from time to time,
- (f) shall where the monies of the fund are entrusted to a trust company for investment, review from time to time, investments of the fund in order to satisfy himself that the investments are being made in accordance with the provisions of this by-law,
- (g) shall determine the benefits payable to any member or his beneficiaries under the terms of this plan or the previous plan or funds upon termination of employment, retirement or death of the member, but, a member of this plan or a previous plan or fund or his beneficiaries may appeal to the Committee the determination by the treasurer of the benefits payable, and the decision of the Committee is final,
- (h) shall make all payments from the fund in connection with an employee's termination of employment, retirement or death,
- (i) shall prepare an annual report to the Committee and to the Council, which report is to include
 - (i) an audited statement of the assets and liabilities of the fund, and
 - (ii) the revenues and expenditures of the fund, and
 - (iii) detailed comments on the composition and characteristics of the membership of the fund.

ARTICLE XX

ELECTION OF EMPLOYEE MEMBERS OF COMMITTEE

1. The bi-annual election of the three employee members of the Committee shall be held under the direction of the Committee and that election shall be conducted as set out hereunder.
2. The Secretary
 - (a) on behalf of the Committee, during the last week in November in a year in which a civic election is being held, shall convene a meeting of the Committee, at which he shall preside, to receive nominations of candidates for election as employee members of the Committee for a two-year period,
 - (b) shall satisfy himself that sufficient notice has been posted in order to ensure adequate notice of the nomination meeting.
3. Each candidate
 - (a) shall be a member, and
 - (b) shall be proposed orally by one member and seconded by another member

before the nomination may be received and recorded.
4. The nomination of a member not present at the meeting shall be accompanied by a declaration by the proposer and the seconder
 - (a) that they have consulted the member whose name is being proposed, and

- (b) that the member has consented to stand for nomination.
- 5. After the nominations have been declared closed by the Secretary, any nominee may withdraw his name provided written notice of the withdrawal is received by the Secretary within forty-eight hours after the nomination.
- 6. Where
 - (a) not more than three candidates are nominated, the Secretary shall advise the Committee, and the Committee shall declare those nominated to have been elected, and
 - (b) less than three candidates are declared elected, the Secretary shall forthwith convene another meeting for receiving nominations for the additional employee members of the Committee,
 - (c) more candidates have been nominated than are to be elected, the Secretary, upon the expiration of the time in which a nominee may withdraw his name
 - (i) shall fix an election period of not less than seven clear days during which the mail poll hereinafter provided is to be held, and
 - (ii) shall prepare ballots upon which is to be printed the names of those nominees whose names have not been withdrawn.
- 7. At the beginning of the election period in which the mail poll shall be held, there shall be delivered to each member of the fund,
 - (a) an envelope, pre-addressed to the Secretary of The Hamilton Municipal Retirement Fund, and
 - (b) a ballot, marked with the names of all nominees for election, and with instructions thereon for its proper use.
- 8. The member, after he has marked his ballot,
 - (a) shall seal it in the envelope addressed to the Secretary of the fund, and
 - (b) shall mail or shall deliver the sealed envelope to the Secretary within the seven-day period referred to in Section 6 herein, but deposit of the envelope in a ballot box provided for the purpose constitutes delivery.
- 9. The Secretary, after the expiration of the election period, and, in the presence of the scrutineers
 - (a) shall open each envelope, and
 - (b) shall remove the ballot, and
 - (c) shall assure himself that no ballot contains thereon any member's name or other identification mark, and
 - (d) shall then tabulate the votes.
- 10. Where it appears to the Secretary in tabulating the votes that gross irregularities have taken place in connection with the election, he shall advise the Committee, and the Committee shall order another vote to be taken forthwith.
- 11. The Secretary, on completion of the count,
 - (a) shall prepare a statement giving the names of the candidates and the number of votes received by each, and
 - (b) shall affix to the statement his signature, and

- (c) shall cause the signatures of the scrutineers to be affixed to the statement.
12. The Secretary
 - (a) shall deliver the statement referred to in Section 11 herein to the Committee together with a certificate indicating the members who have been elected to the Committee, and
 - (b) upon the request of any member shall make available to that member a copy of the statement.
 13. Where the Secretary is at any time absent by reason of illness or any other cause and is unable to discharge his duties in relation to an election as hereinbefore set out, the Committee shall appoint a member who shall act in his place and that member has all the powers hereinbefore set out and possessed by the Secretary in relation to an election.
 14. Where a vacancy occurs on the Committee by reason of the death or resignation or retirement of one of the employee members, the Committee shall fill such vacancy for the remainder of the two-year term
 - (a) by appointing to the Committee the person properly qualified who received the highest number of votes of those not elected at the last election, and
 - (b) if there is no such person as described under paragraph (a) herein, by appointing some other member for the remainder of the term.
 15. An employee representative shall be deemed to have resigned
 - (a) if he retires from the service of the Corporation, or
 - (b) if he absents himself from four consecutive meetings of the Committee without the consent of the Committee.

ARTICLE XXI

TRANSFER TO OR FROM FUND

1. Where a member becomes an employee
 - (a) of the civil service of Ontario or Canada, or
 - (b) of the civic service of any municipality in Ontario, or
 - (c) of the staff of any board, commission or public institution established under any Act of the Legislature,

a sum of money, equal to his contribution plus the Corporation's contributions with interest at such rate as the Committee may decide shall be paid out of the fund into any like fund maintained to provide pension benefits for the members of such civil or civic service or staff where such fund or plan provides, in the opinion of the Committee, for a reciprocal arrangement with The Hamilton Municipal Retirement Fund and will recognize the service of that member with the Corporation.
2. Where a member
 - (a) of the civil service of Ontario or Canada, or
 - (b) of the civic service of any municipality, or
 - (c) of the staff of any board, commission or public institution established under any Act of the Legislature

becomes an employee of the Corporation and a sum of money is paid in to The Hamilton Municipal Retirement Fund in respect of the period during which he was a civil servant or civic employee or on the staff of a board, commission or other public institution, the Committee may allow him such credit in respect of the sum of money as may be determined by the actuary if the fund from which the sum of money is transferred provides for a reciprocal arrangement.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. In order to ensure that the rights acquired by any employee covered under a previous plan or fund are not lost or diminished, it is hereby provided
 - (a) that where the pension payable under this plan to a member who has not waived his rights under the previous plan or funds, is less than that which he would have acquired under a previous plan or funds, had such previous plan or funds remained in effect as constituted on the effective date of this plan, the pension payable under this plan shall be increased to the amount which would have been payable under such previous plan or funds, and
 - (b) that after the effective date, no further payments or contributions shall be made
 - (i) to The Hamilton Civic Employees' Pension Plan, and
 - (ii) to The Reserve for Retirement Allowances, and
 - (iii) to The Hamilton Police Benefit Fund, and
 - (iv) to The Hamilton Firemen's Benefit Fund, and
 - (c) that the property held in the above-mentioned previous plan or funds shall be paid over to The Hamilton Municipal Retirement Fund, and thereafter, any amount otherwise payable from or to any of the said previous plan or funds shall be a transaction of The Hamilton Municipal Retirement Fund, and
 - (d) that all contracts with an insurer, purchased for the purpose of providing benefits under a previous plan or funds are and form part of The Hamilton Municipal Retirement Fund, and
 - (e) that the pension to which a member is entitled under this plan is to be reduced by the amount of any pension purchased and payable under any insurance or annuity contract pursuant to the terms of a previous plan or funds and of which such member is the payee.
2. All contracts purchased pursuant to the provisions of any previous plan or funds may be retained subject to any contractual restrictions and may be supplemented by contributions for the purpose of providing a pension accruing under this plan.
3. Where, under a previous plan, there is provision for the payment of a minimum pension benefit, the total of the benefits provided under this plan and any previous plan are not to be less than such minimum, but this section applies only to such members
 - (a) who would have been entitled to such minimum pension had such plan continued in force, and
 - (b) who would have been covered thereunder until retirement.
4. An employee who becomes a member of this plan and who has made the maximum contributions permitted under a previous plan and who desires to include for pension purposes the service subsequent to the period

- (a) when he discontinued making contributions, and
- (b) when he became eligible to be a member of this plan,

may contribute to this plan an additional amount which is equivalent to 5% of the earnings received by him during the period when he was not permitted to make contributions and upon such amount being paid, such service period will be included for the purpose of determining the pension to which the member is entitled under this plan.

5. Subject to Section 6 herein, an employee

- (a) who at the effective date of this plan was a member of a previous plan or fund, and
- (b) who has not consented to become a member of this plan,

shall continue to make contributions as required under the previous plan or fund.

6. The contributions made and received pursuant to Section 5 herein shall be applied in the same manner as if the previous plan or funds remain in force and effect, and the provisions of that previous plan or fund apply in respect of the said contributions.

7. An employee described in Sections 5 and 6 herein, may elect to become a member of this plan

- (a) at any time after the effective date but must elect not later than three years before his retirement date,
- (b) within one year after the effective date where paragraph (a) herein does not apply in that his retirement will be effected within a period less than three years of the effective date,

by agreeing to make additional contributions equal to the difference between the amount contributed by him in accordance with the terms of the previous plan or fund and what he would have contributed under this plan, with interest thereon, compounded at 4 per cent per annum from the effective date of this plan until the date upon which he elects to become a member of this plan, together with such future contributions as are required under the provisions of this plan.

8. An employee for whom membership in a previous plan was optional but who did not elect to join the previous plan may become a member of this plan, but the periods of service prior to the effective date of this plan are not to be recognized unless the member pays into this fund the contributions which he would have made to the previous plan together with such interest as may be determined by the Committee.

9. Any contributions made by a member pursuant to Sections 4, 5, 6, 7 and 8 herein shall be paid upon such terms and conditions as may be determined by the Committee.

10. Any member of a previous plan or fund

- (a) who became a member of a previous plan or fund between the ages of 18 and 25 inclusive, and
- (b) who is under the age of 25 at the effective date of this Plan

is eligible for immediate membership in this plan and the member's period of contributory service prior to the age of 25 shall be considered to be service in the calculation of benefits under this plan but such contributions shall cease after a maximum of 35 years of contributory service.

11. (1) A male employee at the effective date
 - (a) who has been a member of The Hamilton Civic Employees' Pension Plan, and
 - (b) who has attained the age of 50, and
 - (c) who becomes a member of this plan
 may with the consent of the Board, given annually, be continued in the employment after attaining the age of 65, but not after attaining the age of 70.
- (2) The pension of a member referred to in subsection (1) herein shall be based upon
 - (a) the average earnings of that member for the five years preceding his actual retirement date, and
 - (b) the years of service at the time of his actual retirement date but not in excess of 35 years.
- (3) Notwithstanding the provisions of Articles V and X the actual retirement date of a member who is continued in the employment pursuant to subsection (1) herein shall be his normal retirement date.
12. A member of a previous plan or funds, who retires on or after January 1, 1957, shall receive the greater of the pension calculated under the provisions of this plan or a previous plan or funds if he elects to join this plan.
13. The contributions by members as set forth in Article III are to commence as at July 1st, 1957.

ARTICLE XXIII

1. This By-law
 - (a) upon its being enacted by the Council of The Corporation of the City of Hamilton, and
 - (b) upon being confirmed by the Legislative Assembly of the Province of Ontario
 is to come into force on the 1st day of January, A.D. 1957.

 PASSED by the Council of The Corporation of the City of Hamilton this Fifth day of February, A.D. 1957.

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

An Act respecting
the City of Hamilton

1st Reading

February 14th, 1957

2nd Reading

March 13th, 1957

3rd Reading

MR. ELLIOTT

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Hamilton

MR. ELLIOTT

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Committee" means the sinking fund committee;
- (b) "Corporation" means The Corporation of the City of Hamilton.

2. Notwithstanding the provisions of any general or special Sinking funds Act,

- (a) the council of the Corporation may provide in any money by-law that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures;
- (b) when sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures as it becomes due;
- (c) when sinking fund debentures are issued, the Committee shall keep one or more consolidated bank accounts in which,
 - (i) the treasurer of the Corporation shall deposit each year during the term of the debentures

the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds, and

- (ii) there shall be deposited all earnings derived from, and all proceeds of the sale or maturity or redemption prior to maturity of, sinking fund investments;
- (d) when sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine;
- (e) the treasurer of the Corporation shall be the chairman and treasurer of the Committee and in his absence the appointed members may appoint one of themselves as acting chairman;
- (f) each member of the Committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, in such amount as the auditors of the Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security;
- (g) two members of the Committee shall be a quorum and all investments and sales of investments must be approved by the treasurer of the Corporation and one other member of the Committee;
- (h) all assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the Committee;
- (i) all withdrawals from the consolidated bank accounts shall be authorized by the Committee, and all cheques on the consolidated bank accounts shall be signed by the treasurer of the Corporation and one other member of the Committee;
- (j) the Committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investment;

- (k) the moneys in the consolidated bank accounts shall be invested in debentures of the Corporation or other securities in which a trustee may invest under the provisions of *The Trustee Act* or in securities issued by the United States of America; R.S.O. 1950,
c. 400
- (l) all securities acquired by the Committee as investments for sinking fund purposes shall be deposited for safekeeping in a chartered bank or trust company until they are sold or mature or are called for redemption prior to maturity;
- (m) all sinking fund debentures issued on the same date, maturing on the same date and payable in the same currency, notwithstanding that they are issued under one or more by-laws, shall be represented by one sinking fund account;
- (n) where there is more than one sinking fund debenture by-law outstanding, the earnings from sinking fund investments in each year shall be apportioned by the Committee among all the sinking funds in the proportion that the increase during that year in the accumulated interest as provided for in clause *b* on the specific amount required to be deposited annually during the currency of each sinking fund debenture by-law bears to the total of all the increases during that year in the accumulated interest as provided for in clause *b* on all the specific amounts required to be deposited annually during the currency of all outstanding sinking fund debenture by-laws;
- (o) where the office of the treasurer of the Corporation is vacant or the treasurer is absent or is unable to carry on his duties through illness or otherwise, the deputy treasurer of the Corporation shall act in his stead and when so acting has all the powers and duties of the treasurer as a member and as treasurer of the Committee.

3. Notwithstanding the provisions of any general or special Act, Retirement
Fund
by-law
ratified

- (a) by-law No. 7970, entitled "A By-law to Establish The Hamilton Municipal Retirement Fund", passed by the Council on the 5th day of February, 1957, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the employees thereof; and

(b) the assets and liabilities of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund,
- (iv) The Hamilton Firemen's Benefit Fund,

as at the 31st day of December, 1956, shall be transferred to and assumed by The Hamilton Municipal Retirement Fund established by by-law No. 7970 and any amount payable to or from the plans or funds set forth in subparagraphs i, ii, iii and iv herein is a transaction of The Hamilton Municipal Retirement Fund; and

(c) the members of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund, and
- (iv) The Hamilton Firemen's Benefit Fund,

shall be hereafter members of The Hamilton Municipal Retirement Fund established as set forth in by-law No. 7970; and

(d) the Corporation is empowered,

- (i) to do all such acts, matters and things as are necessary for the full and proper carrying out of its obligations under by-law No. 7970, and
- (ii) to amend by by-law, from time to time and with the approval of the Department of Municipal Affairs, by-law No. 7970.

**Commence-
ment**

4. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1957*.

SCHEDULE

By-LAW No. 7970

A By-law to Establish The Hamilton Municipal Retirement Fund

WHEREAS by By-laws 5469, 5646, 5692, 5794, 5995, 6222, 6253, 6602, 7717, 7127 and 7431 The Hamilton Civic Employees' Pension Plan was established effective as of August 1, 1945, to provide annuities for certain eligible employees of the Corporation with the Annuities Branch of the Canadian Department of Labour as insurer, and

WHEREAS by By-laws 5887, 6871 and 7657 a plan to provide retirement allowances was established, effective as of April 5, 1946, for certain eligible employees of the Corporation, and

WHEREAS

- (a) in 1902 The Hamilton Police Benefit Fund was established to provide pension benefits for members of the police force of the Corporation, and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) by By-laws 6344, 6366, 6460 and 6461 the Council agreed to wind up the fund and to apply the monies in the fund, with minor exceptions, towards the cost of purchasing Canadian Government annuities on behalf of the then members of the fund and to finance the existing actuarial deficit at the rate of \$23,700.00 per annum for 30 years and to introduce a plan for pensions and annuities on a contributory basis with the Annuities Branch of the Department of Labour (Canada) as insurer and whereas the procedures which provided for the winding up of the fund were ratified by the Legislature in 1950, and

WHEREAS

- (a) in 1910 The Hamilton Firemen's Benefit Fund was incorporated under the Ontario Insurance Act to provide pension benefits for the firemen of the Corporation and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) in 1954 the City agreed to finance the actuarial deficit in the fund at the rate of \$29,565.00 per annum for 27 years, and

WHEREAS it is desirable that provision be made for uniform benefits throughout all departments of the civic service and, therefore, for the termination of The Hamilton Police Benefit Fund and The Hamilton Firemen's Benefit Fund and for the incorporation of the said two funds and The Hamilton Civic Employees' Pension Plan and The Reserve for Retirement Allowances into one fund in order to provide for equality of treatment to all eligible employees of The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts and establishes herewith The Hamilton Municipal Retirement Fund.

ARTICLE I

DEFINITIONS

1. In this by-law, unless a contrary intention appears,

(a) "Actuary" means an actuary appointed by the Committee,

- (b) "Auditors" means the auditors of The Corporation of the City of Hamilton,
- (c) "Board" means the Board of Control,
- (d) "Committee" means the committee as set forth in Article XIX hereof,
- (e) "Corporation" means The Corporation of the City of Hamilton,
- (f) "Doctor" means a person
 - (i) registered as a legally qualified medical practitioner under *The Medical Act* being Chapter 228, R.S.O. 1950, or
 - (ii) registered under a similar Act of the Province in Canada in which he resides,
- (g) "earnings" means the salary or wages received from the employer during the year,
- (h) "effective date" means January 1, 1957;
- (i) "employee" means any officer, clerk, workman, servant or other person, who is employed by an employer as defined in Article i, Section j, but does not include a person holding an elective office or appointment, and "permanent employee" means a regular full-time employee, and any other employee who meets the requirements as established by the Committee;
- (j) "employer" means the Corporation and may include the following boards and commissions:
 - (i) a public utility commission,
 - (ii) a transportation commission,
 - (iii) the public library board,
 - (iv) the board of park management,
 - (v) the local board of health,
 - (vi) the board of commissioners of police, and

any other board, commission, committee, body or local authority established or exercising any power or authority under any special or general Act with respect to any of the affairs or purposes of the Corporation,
- (k) "employment" means service with an employer,
- (l) "fund" means
 - (i) the fund established for the purpose of the Hamilton Municipal Retirement Fund, and
 - (ii) includes the monies contributed thereto by the employer and members, and
 - (iii) includes the investments made therewith, and
 - (iv) includes the earnings and increments thereon, and
 - (v) includes any contracts purchased from an insurer before or after the effective date,
- (m) "insurer" means
 - (i) an Insurance Company, and

- (ii) includes the Minister of Labour for Canada as head of the Annuities Branch of the Department of Labour,
- (n) "member" means an employee who has met the requirements of eligibility for admission to the plan,
- (o) "pension" means the monthly or periodical payments made to a member after he has retired from employment,
- (p) "plan" means this by-law as enacted by the Corporation,
- (q) "previous plan or funds" means the Hamilton Civic Employees' Pension Plan, The Reserve for Retirement Allowances, the Hamilton Police Benefit Fund and the Hamilton Firemen's Benefit Fund.

ARTICLE II

ELIGIBILITY

1. All employees who, as of the effective date, are eligible to be members of a previous plan or fund, are eligible to participate in this plan.
2. All employees
 - (a) who are in the employment on the effective date,
 - (b) who are employed in the future,
 - (c) whose normal retirement age is 60 and who have attained the age of 21,
 - (d) who have attained the age of 25 except those referred to in paragraph (c) herein,
 are eligible for membership in this plan as of the first day of the month following the date on which they have become permanent employees and have completed one year of service.
3. All future employees who meet the requirements for eligibility shall become a member of this plan.
4. Each employee, who as of the effective date of this plan is a member of a previous plan or fund, is a member of this plan and such member
 - (a) may elect in writing to participate in this plan, or
 - (b) retains his rights under the previous plan or fund where he does not elect as provided in paragraph (a) herein.
5. Each employee shall sign a form authorizing the contributions from his earnings as required under the provisions of this by-law.

ARTICLE III

CONTRIBUTIONS BY EMPLOYEES

1. Each member shall contribute periodically by payroll deduction
 - (a) in the case of a member whose normal retirement date is 60 years of age— $6\frac{1}{2}\%$ of earnings, and
 - (b) in the case of all other members— $5\frac{3}{4}\%$ of earnings and
 in all cases contributions shall be made for a maximum period of 35 years and, in determining the maximum period of contribution, there shall be included any period or periods during which service is recognized under a previous plan or fund.

2. If a member is absent without pay and desires that such absence count as pensionable service, he shall contribute on his return an amount equivalent to that which he would have contributed had he not been absent and had received pay at the same rate as that which he was receiving as at the date the leave commenced.
3. Contributions made by members
 - (a) shall not be pledged or assigned as security for a loan,
 - (b) shall not be withdrawn in whole or in part while the member remains in the employment.

ARTICLE IV

CONTRIBUTIONS BY CORPORATIONS

1. The Corporation shall contribute the amount required in excess of the employee contributions to purchase the pension benefits provided under the plan.

ARTICLE V

SERVICE

1. Service for which benefits are provided under this plan
 - (a) shall be the period during which the member has performed services as a permanent employee of an employer and has made the required contributions subsequent
 - (i) to his 21st birthday but prior to his 60th birthday, if his normal retirement age is 60, and
 - (ii) to his 25th birthday but prior to his 65th birthday, if his normal retirement age is 65, but
 - (b) includes
 - (i) any period or periods of service recognized as such under any previous plan or fund,
 - (ii) periods of absence with leave with pay,
 - (iii) the one-year waiting period referred to in section 2 of Article II, if the member makes the required contribution for such period,
 - (iv) sick leave with pay, but

does not include absence without leave nor any period or periods of lay-off.
2. Years of service shall be the total of the periods of service expressed in terms of years and completed months.
3. Years of service shall be limited to a maximum period of 35 years for the purpose of calculating benefits under this plan.

ARTICLE VI

VESTING

1. Subject to Article VII the right of a member to a deferred pension commencing at his normal retirement date vests with the member after 15 years of service.

ARTICLE VII

REFUND OF CONTRIBUTIONS BY EMPLOYEES
DEFERRED PENSION

1. Notwithstanding Article VI a member has no vested right to a deferred pension if the member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, and
 receives a return of his contributions.
2. Where a member dies prior to his retirement date, his estate, his personal representatives or other beneficiaries shall receive a refund of the total amount contributed by the member under this plan with interest at such rate as may be determined by the Committee.
3. Where a member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, or
 - (d) dies
 prior to his retirement date and he has made contributions to a previous plan or funds, the contributions to such previous plan or funds shall be paid out in accordance with the terms of such previous plan or funds.
4. Where a member terminates his employment by reason of discharge, resignation or quit
 - (a) after fifteen or more years of service, and
 - (b) elects to leave his contributions on deposit in order to receive, upon application, a deferred pension commencing at his normal retirement date,
 the amount of the pension, calculated as set forth in Article XII, shall be determined by using the average earnings of the member during the five-year period immediately prior to the date of the termination of his service.
5. Payment to the member of the amounts described in Sections 1, 2 and 3 herein is in full satisfaction of all his rights under this plan or any previous plan or funds.

ARTICLE VIII

PENSION ON TOTAL AND PERMANENT DISABILITY

1. A member who has had 15 years' service and become totally and permanently disabled shall be entitled to receive a pension calculated, without actuarial reduction, on the average earnings of the member for the 5 years immediately prior to disablement.
2. Permanent incapacity or disability shall not be deemed to have occurred if it has resulted from injuries or ill-health which have arisen
 - (a) from the use of alcohol,
 - (b) from addiction to drugs,

- (c) in committing a serious offence punishable under the Criminal Code of Canada,
 - (d) in or from service in the armed forces of any country.
3. A member shall be considered to be totally and permanently disabled if a doctor selected by the Committee has certified that the member is permanently incapacitated, by reason of a mental or bodily injury or other disease from engaging in gainful employment, except for purposes of rehabilitation.
 4. The Committee, on the basis of the evidence submitted to it may determine if total and permanent disability exists and the determination of the Committee is final and conclusive.
 5. Any member to whom a pension is being paid because of total and permanent disability shall, at the request and expense of the Committee, submit, not more than once a year, to an examination by a doctor.
 6. Should the member refuse to submit to the examination referred to in Section 5 herein, the pension payments shall cease to be made to him, but the discontinued payments may be renewed if the member subsequently submits to such examination.
 7. Where a member who receives a total and permanent disability pension,
 - (a) is in the opinion of the doctor no longer totally incapacitated and the member does not return to his employment, he is entitled to a deferred pension based upon his service as at the date of disability and commencing at his normal retirement date,
 - (b) returns to his employment, his absence during such period of disability shall not be deemed to have been service with the employer.
 8. Payments provided for under this article shall be made during the period of total and permanent disability only.

ARTICLE IX

EARLY RETIREMENT

1. A member may retire at any time within the ten-year period prior to his normal retirement date, provided that he notifies the Committee in writing at least 30 days prior to the date of his early retirement.
2. The pension payable to such member may, at the election of the member, commence immediately or be deferred until normal retirement date.
3. Where at the election of the member the pension is to commence immediately, the pension shall be reduced to the actuarial equivalent of the then attained age of the member.

ARTICLE X

NORMAL RETIREMENT

1. The normal retirement date for members shall be the first day of the month following that in which the member attains his 65th birthday except in those cases where, according to the policies of either the Board of Commissioners of Police or of the Council of the Corporation, provision is made for certain members of either the Police Department or the Fire Department to retire at age 60, in which case the normal retirement date shall be the 1st day of the month following that in which the member attains his 60th birthday.

ARTICLE XI

AMOUNT OF PENSION

1. The yearly amount of pension, payable monthly, upon retirement to a member upon his attained retirement date shall be $1\frac{1}{2}\%$ of the average annual earnings of the member during the five-year period immediately prior to retirement, for each year of service but not in excess of 35 years.

ARTICLE XII

OPTIONAL FORMS OF PENSION

1. A member may, at least three years prior to his retirement, elect to receive a reduced pension
 - (a) guaranteed to continue
 - (i) for 120 monthly payments or
 - (ii) for the lifetime of the member
 whichever is the longer, or
 - (b) guaranteed for the lifetime of the surviving appointed contingent annuitant.
2. Any election under Section 1 herein must be made in writing and filed with the Committee.
3. Where a contingency annuitant is appointed under Section 1 herein, proof of age of such annuitant must be furnished in a form satisfactory to the Committee.
4. The amount of pension payable hereunder shall be determined by the actuary and his determination is final and conclusive.

ARTICLE XIII

EQUATION WITH OLD AGE SECURITY

1. A member who retires at or prior to age 65 may elect at least three years prior to retirement date to accept an increased pension, and in such event the increased pension shall be decreased by the monthly amount payable to the member according to the Old Age Security Act of the Government of Canada at the time at which such amounts commence.
2. The amount of the increased monthly pension shall be determined by the actuary based upon the attained age of the member as at the time the payments commence.
3. The age of a member shall be computed from the first day of the month in which the birthday of the member occurs.

ARTICLE XIV

COMMUTATION OF SMALL PENSIONS

1. If the total yearly pension payable under this plan is less than \$120.00 the Committee
 - (a) may pay such pension in quarterly instalments or on an annual basis, or

- (b) may pay to the employee a lump sum which would be the present value of the pension as at the date of such payment.
- 2. The present value of any pension shall be as determined by the actuary and his determination is final and conclusive.
- 3. The amounts paid under Section 1 herein are to be in full satisfaction of all rights of the member under this or any previous plan or funds.
- 4. Where a pension or any portion thereof is payable under a contract with an insurer, the payment shall be made in accordance with the terms of that contract.

ARTICLE XV

PROOF OF AGE

- 1. Each member shall be required to furnish, in a form satisfactory to the Committee, proof of his age.
- 2. Where proof of age is not furnished to the Committee before retirement, the Committee may, in its absolute discretion, direct that the pension to be paid be based upon an age determined upon the evidence furnished to it.
- 3. Where proof of age is subsequently furnished by the member, the pension shall be adjusted accordingly.

ARTICLE XVI

BENEFICIARIES

- 1. For the purpose of determining the person or persons to whom the amount which is payable upon death is to be made the member shall
 - (a) in writing appoint a beneficiary to whom such amounts are to be paid, and
 - (b) shall file the appointment with the Committee.
- 2. The appointment of a beneficiary
 - (a) may be revoked by the member in writing, or
 - (b) lapses upon the death of that person appointed, but in such event a further appointment shall be made in writing by the member.
- 3. Where a beneficiary is not appointed or an appointment has been revoked or has lapsed and a further appointment has not been made, payments shall be made to the estate or personal representatives of the member.
- 4. Where the pension benefits are provided under a contract with an insurer, the appointment of a beneficiary must be made in accordance with the requirements of the insurer.

ARTICLE XVII

PAYMENT OF PENSION

- 1. Pension payments
 - (a) shall commence on the first day of the month in which the member retires or becomes entitled thereto in accordance with the terms of this Plan, and

- (b) shall continue
 - (i) during the lifetime of the member, or
 - (ii) until 60 monthly payments have been made
 whichever is the longer period of time.
- 2. The last pension payment shall be made
 - (a) at the expiration of either the 60-month period, or
 - (b) on the first day of the month in which the member dies,
 whichever is the later.
- 3. Where the pension or any portion thereof is payable under a contract with an insurer, the pension payments shall be made in accordance with the terms of that contract.

ARTICLE XVIII

ASSIGNMENT OF BENEFITS

- 1. The pension under this plan
 - (a) shall be paid only to or for the benefit of the member who has retired,
 - (b) shall not be anticipated, pledged, assigned or otherwise encumbered, or be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment of the pension, and any attempted assignment or other encumbrance, attachment, garnishment, execution or levy shall be of no force or effect, except insofar as the law applies.

ARTICLE XIX

ADMINISTRATION

- 1. The management of this plan which is delineated in this by-law shall be entrusted to The Hamilton Municipal Retirement Fund Committee.
- 2. The Committee shall consist of
 - (a) three officers of the Corporation by virtue of their office, namely,
 - (i) the Treasurer,
 - (ii) the Solicitor, and
 - (iii) the Clerk, and
 - (b) three elected representatives, one a member of the Board of Control and two members of the Council, and
 - (c) three employees who are members of the fund and who are to be elected as provided in Article XX.
- 3. The three elected representatives referred to in paragraph (b) of section 2 herein
 - (a) shall be appointed bi-annually by the Council at the commencement of each two-year term of the Council, and
 - (b) shall serve during the pleasure of the Council for a period of two years.

4. Where a vacancy occurs for any reason in the case of any of the elected representatives referred to in paragraph (b) of Section 2 herein, the Council shall appoint another member of the Council to sit on the Committee until the expiration of the two-year term in effect at the time of the vacancy.
5. The Committee shall from amongst its members appoint
 - (a) a chairman who shall call and preside over meetings of the Committee, and
 - (b) a vice-chairman who shall act only in the absence of the chairman.
6. Five members of the Committee shall form a quorum.
7. When votes of members of the Committee are equally divided, the chairman is to have a casting vote.
8. The Committee
 - (a) shall determine questions relating
 - (i) to eligibility for membership,
 - (ii) to length of service,
 - (iii) to early retirement, and
 - (iv) to retirement on total and permanent disability,
 - (b) shall appoint scrutineers as required for the bi-annual election of the employee members referred to in paragraph (c) of Section 2 herein,
 - (c) shall appoint a secretary who is not to be a member of the Committee.
9. The treasurer and auditors shall act as treasurer and auditors of the fund.
10. The treasurer
 - (a) shall maintain whatever information is necessary concerning the members of the fund,
 - (b) shall keep the documents, records and books of account necessary to administer the fund,
 - (c) shall obtain from time to time, an actuarial report or study of the financial status of the fund but not longer than every five years, from the actuary and, upon the receipt of the report, make whatever recommendations are necessary to maintain the solvency of the fund,
 - (d) may subject to the investment policies of the Committee
 - (i) invest the monies of the fund in securities in which a trustee may invest under the provisions of The Trustee Act, being Chapter 400 of the Revised Statutes of Ontario 1950, as amended, and
 - (ii) sell or exchange the securities of the fund when necessary, or
 - (e) may
 - (i) under the terms of an agreement satisfactory to the Committee, and

- (ii) with the approval of the Committee entrust the investment of the monies of the fund to a Trust Company incorporated or registered under the laws of Ontario, and that company may invest the monies of the fund in those investments which are authorized for life insurance companies in Canada under the Canadian and British Life Insurance Companies Act, being Chapter 31 of the Revised Statutes of Canada 1952, in accordance with the provisions of that Act as in force and effect from time to time,
- (f) shall where the monies of the fund are entrusted to a trust company for investment, review from time to time, investments of the fund in order to satisfy himself that the investments are being made in accordance with the provisions of this by-law,
- (g) shall determine the benefits payable to any member or his beneficiaries under the terms of this plan or the previous plan or funds upon termination of employment, retirement or death of the member, but, a member of this plan or a previous plan or fund or his beneficiaries may appeal to the Committee the determination by the treasurer of the benefits payable, and the decision of the Committee is final,
- (h) shall make all payments from the fund in connection with an employee's termination of employment, retirement or death,
- (i) shall prepare an annual report to the Committee and to the Council, which report is to include
 - (i) an audited statement of the assets and liabilities of the fund, and
 - (ii) the revenues and expenditures of the fund, and
 - (iii) detailed comments on the composition and characteristics of the membership of the fund.

ARTICLE XX

ELECTION OF EMPLOYEE MEMBERS OF COMMITTEE

1. The bi-annual election of the three employee members of the Committee shall be held under the direction of the Committee and that election shall be conducted as set out hereunder.
2. The Secretary
 - (a) on behalf of the Committee, during the last week in November in a year in which a civic election is being held, shall convene a meeting of the Committee, at which he shall preside, to receive nominations of candidates for election as employee members of the Committee for a two-year period,
 - (b) shall satisfy himself that sufficient notice has been posted in order to ensure adequate notice of the nomination meeting.
3. Each candidate
 - (a) shall be a member, and
 - (b) shall be proposed orally by one member and seconded by another member

before the nomination may be received and recorded.
4. The nomination of a member not present at the meeting shall be accompanied by a declaration by the proposer and the seconder
 - (a) that they have consulted the member whose name is being proposed, and

- (b) that the member has consented to stand for nomination.
5. After the nominations have been declared closed by the Secretary, any nominee may withdraw his name provided written notice of the withdrawal is received by the Secretary within forty-eight hours after the nomination.
 6. Where
 - (a) not more than three candidates are nominated, the Secretary shall advise the Committee, and the Committee shall declare those nominated to have been elected, and
 - (b) less than three candidates are declared elected, the Secretary shall forthwith convene another meeting for receiving nominations for the additional employee members of the Committee,
 - (c) more candidates have been nominated than are to be elected, the Secretary, upon the expiration of the time in which a nominee may withdraw his name
 - (i) shall fix an election period of not less than seven clear days during which the mail poll hereinafter provided is to be held, and
 - (ii) shall prepare ballots upon which is to be printed the names of those nominees whose names have not been withdrawn.
 7. At the beginning of the election period in which the mail poll shall be held, there shall be delivered to each member of the fund,
 - (a) an envelope, pre-addressed to the Secretary of The Hamilton Municipal Retirement Fund, and
 - (b) a ballot, marked with the names of all nominees for election, and with instructions thereon for its proper use.
 8. The member, after he has marked his ballot,
 - (a) shall seal it in the envelope addressed to the Secretary of the fund, and
 - (b) shall mail or shall deliver the sealed envelope to the Secretary within the seven-day period referred to in Section 6 herein, but deposit of the envelope in a ballot box provided for the purpose constitutes delivery.
 9. The Secretary, after the expiration of the election period, and, in the presence of the scrutineers
 - (a) shall open each envelope, and
 - (b) shall remove the ballot, and
 - (c) shall assure himself that no ballot contains thereon any member's name or other identification mark, and
 - (d) shall then tabulate the votes.
 10. Where it appears to the Secretary in tabulating the votes that gross irregularities have taken place in connection with the election, he shall advise the Committee, and the Committee shall order another vote to be taken forthwith.
 11. The Secretary, on completion of the count,
 - (a) shall prepare a statement giving the names of the candidates and the number of votes received by each, and
 - (b) shall affix to the statement his signature, and

- (c) shall cause the signatures of the scrutineers to be affixed to the statement.

12. The Secretary

- (a) shall deliver the statement referred to in Section 11 herein to the Committee together with a certificate indicating the members who have been elected to the Committee, and
- (b) upon the request of any member shall make available to that member a copy of the statement.

13. Where the Secretary is at any time absent by reason of illness or any other cause and is unable to discharge his duties in relation to an election as hereinbefore set out, the Committee shall appoint a member who shall act in his place and that member has all the powers hereinbefore set out and possessed by the Secretary in relation to an election.

14. Where a vacancy occurs on the Committee by reason of the death or resignation or retirement of one of the employee members, the Committee shall fill such vacancy for the remainder of the two-year term

- (a) by appointing to the Committee the person properly qualified who received the highest number of votes of those not elected at the last election, and
- (b) if there is no such person as described under paragraph (a) herein, by appointing some other member for the remainder of the term.

15. An employee representative shall be deemed to have resigned

- (a) if he retires from the service of the Corporation, or
- (b) if he absents himself from four consecutive meetings of the Committee without the consent of the Committee.

ARTICLE XXI

TRANSFER TO OR FROM FUND

1. Where a member becomes an employee

- (a) of the civil service of Ontario or Canada, or
- (b) of the civic service of any municipality in Ontario, or
- (c) of the staff of any board, commission or public institution established under any Act of the Legislature,

a sum of money, equal to his contribution plus the Corporation's contributions with interest at such rate as the Committee may decide shall be paid out of the fund into any like fund maintained to provide pension benefits for the members of such civil or civic service or staff where such fund or plan provides, in the opinion of the Committee, for a reciprocal arrangement with The Hamilton Municipal Retirement Fund and will recognize the service of that member with the Corporation.

2. Where a member

- (a) of the civil service of Ontario or Canada, or
- (b) of the civic service of any municipality, or
- (c) of the staff of any board, commission or public institution established under any Act of the Legislature

becomes an employee of the Corporation and a sum of money is paid in to The Hamilton Municipal Retirement Fund in respect of the period during which he was a civil servant or civic employee or on the staff of a board, commission or other public institution, the Committee may allow him such credit in respect of the sum of money as may be determined by the actuary if the fund from which the sum of money is transferred provides for a reciprocal arrangement.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. In order to ensure that the rights acquired by any employee covered under a previous plan or fund are not lost or diminished, it is hereby provided
 - (a) that where the pension payable under this plan to a member who has not waived his rights under the previous plan or funds, is less than that which he would have acquired under a previous plan or funds, had such previous plan or funds remained in effect as constituted on the effective date of this plan, the pension payable under this plan shall be increased to the amount which would have been payable under such previous plan or funds, and
 - (b) that after the effective date, no further payments or contributions shall be made
 - (i) to The Hamilton Civic Employees' Pension Plan, and
 - (ii) to The Reserve for Retirement Allowances, and
 - (iii) to The Hamilton Police Benefit Fund, and
 - (iv) to The Hamilton Firemen's Benefit Fund, and
 - (c) that the property held in the above-mentioned previous plan or funds shall be paid over to The Hamilton Municipal Retirement Fund, and thereafter, any amount otherwise payable from or to any of the said previous plan or funds shall be a transaction of The Hamilton Municipal Retirement Fund, and
 - (d) that all contracts with an insurer, purchased for the purpose of providing benefits under a previous plan or funds are and form part of The Hamilton Municipal Retirement Fund, and
 - (e) that the pension to which a member is entitled under this plan is to be reduced by the amount of any pension purchased and payable under any insurance or annuity contract pursuant to the terms of a previous plan or funds and of which such member is the payee.
2. All contracts purchased pursuant to the provisions of any previous plan or funds may be retained subject to any contractual restrictions and may be supplemented by contributions for the purpose of providing a pension accruing under this plan.
3. Where, under a previous plan, there is provision for the payment of a minimum pension benefit, the total of the benefits provided under this plan and any previous plan are not to be less than such minimum, but this section applies only to such members
 - (a) who would have been entitled to such minimum pension had such plan continued in force, and
 - (b) who would have been covered thereunder until retirement.
4. An employee who becomes a member of this plan and who has made the maximum contributions permitted under a previous plan and who desires to include for pension purposes the service subsequent to the period

- (a) when he discontinued making contributions, and
- (b) when he became eligible to be a member of this plan,

may contribute to this plan an additional amount which is equivalent to 5% of the earnings received by him during the period when he was not permitted to make contributions and upon such amount being paid, such service period will be included for the purpose of determining the pension to which the member is entitled under this plan.

5. Subject to Section 6 herein, an employee

- (a) who at the effective date of this plan was a member of a previous plan or fund, and
- (b) who has not consented to become a member of this plan,

shall continue to make contributions as required under the previous plan or fund.

6. The contributions made and received pursuant to Section 5 herein shall be applied in the same manner as if the previous plan or funds remain in force and effect, and the provisions of that previous plan or fund apply in respect of the said contributions.

7. An employee described in Sections 5 and 6 herein, may elect to become a member of this plan

- (a) at any time after the effective date but must elect not later than three years before his retirement date,
- (b) within one year after the effective date where paragraph (a) herein does not apply in that his retirement will be effected within a period less than three years of the effective date,

by agreeing to make additional contributions equal to the difference between the amount contributed by him in accordance with the terms of the previous plan or fund and what he would have contributed under this plan, with interest thereon, compounded at 4 per cent per annum from the effective date of this plan until the date upon which he elects to become a member of this plan, together with such future contributions as are required under the provisions of this plan.

8. An employee for whom membership in a previous plan was optional but who did not elect to join the previous plan may become a member of this plan, but the periods of service prior to the effective date of this plan are not to be recognized unless the member pays into this fund the contributions which he would have made to the previous plan together with such interest as may be determined by the Committee.

9. Any contributions made by a member pursuant to Sections 4, 5, 6, 7 and 8 herein shall be paid upon such terms and conditions as may be determined by the Committee.

10. Any member of a previous plan or fund

- (a) who became a member of a previous plan or fund between the ages of 18 and 25 inclusive, and
- (b) who is under the age of 25 at the effective date of this Plan

is eligible for immediate membership in this plan and the member's period of contributory service prior to the age of 25 shall be considered to be service in the calculation of benefits under this plan but such contributions shall cease after a maximum of 35 years of contributory service.

11. (1) A male employee at the effective date
 - (a) who has been a member of The Hamilton Civic Employees' Pension Plan, and
 - (b) who has attained the age of 50, and
 - (c) who becomes a member of this plan
 may with the consent of the Board, given annually, be continued in the employment after attaining the age of 65, but not after attaining the age of 70.
- (2) The pension of a member referred to in subsection (1) herein shall be based upon
 - (a) the average earnings of that member for the five years preceding his actual retirement date, and
 - (b) the years of service at the time of his actual retirement date but not in excess of 35 years.
- (3) Notwithstanding the provisions of Articles V and X the actual retirement date of a member who is continued in the employment pursuant to subsection (1) herein shall be his normal retirement date.
12. A member of a previous plan or funds, who retires on or after January 1, 1957, shall receive the greater of the pension calculated under the provisions of this plan or a previous plan or funds if he elects to join this plan.
13. The contributions by members as set forth in Article III are to commence as at July 1st, 1957.

ARTICLE XXIII

1. This By-law

- (a) upon its being enacted by the Council of The Corporation of the City of Hamilton, and
- (b) upon being confirmed by the Legislative Assembly of the Province of Ontario

is to come into force on the 1st day of January, A.D. 1957.

PASSED by the Council of The Corporation of the City of Hamilton this Fifth day of February, A.D. 1957.

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

An Act respecting
the City of Hamilton

1st Reading

February 14th, 1957

2nd Reading

March 13th, 1957

3rd Reading

March 29th, 1957

MR. ELLIOTT

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Howe Island

MR. STEWART

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Township of Howe Island

WHEREAS The Corporation of the Township of Howe Preamble
Island by its petition has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Subsection 1 of section 2 of *The Frontenac High School* 1949, c. 124,
District Act, 1949 is amended by striking out "Township of" s. 2, subs. 1,
in the third line and inserting in lieu thereof "townships of
Howe Island and", so that the subsection shall read as follows:

- (1) The area comprising the County of Frontenac, Frontenac
except those parts which respectively consist of the County
City of Kingston and the townships of Howe Island High
and Wolfe Island, is hereby established as a high School
school district to be known as The Frontenac High District
School District. established

2.—(1) Subsection 2 of section 5a of *The Frontenac High* 1949, c. 124,
School District Act, 1949, as enacted by section 1 of *The* s. 5a (1954,
Frontenac High School District Act, 1954, is amended by c. 111, s. 1),
striking out "Township of" in the tenth line and inserting subs. 2,
in lieu thereof "townships of Howe Island and", so that the
subsection shall read as follows:

- (2) The council of the County shall levy and collect County
each year, and transfer to the Board from time to levy and
time as required, but not later than the 15th day payment
of December, such amount as the Board may deem
necessary for the matters mentioned in clauses *a*, *b*
and *c* of section 49 of *The High Schools Act*, and such
amount shall be levied as part of the county rates
against each of the local municipalities forming part
of the County for municipal purposes, except the
townships of Howe Island and Wolfe Island, in the

proportion that the equalized assessment, as defined in *The High Schools Act*, of such local municipality bears to the total equalized assessment of The Frontenac High School District.

1949, c. 124,
s. 5a (1954,
c. 111, s. 1),
subs. 3,
amended

(2) Subsection 3 of the said section 5a is amended by striking out "Township of" in the third line and inserting in lieu thereof "townships of Howe Island and", so that the subsection shall read as follows:

Tax notice

(3) The county clerk when certifying to the clerk of each local municipality forming part of the County for municipal purposes, except the townships of Howe Island and Wolfe Island, the amount to be levied in the municipality for county purposes, shall show separately the portion of such amount that is to be levied in such local municipality for the purposes of The Frontenac District High School Board and the treasurer of each such local municipality shall show in mills on the tax notice in each year the portion of the county rate levied for the purposes of the Board.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

4. This Act may be cited as *The Township of Howe Island Act, 1957*.



An Act respecting
the Township of Howe Island

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. STEWART

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

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An Act respecting the Township of Howe Island

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BILL

An Act respecting the Township of Howe Island

WHEREAS The Corporation of the Township of Howe Island by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Frontenac High School District Act, 1949* is amended by striking out "Township of" ^{1949, c. 124, s. 2, subs. 1, amended} in the third line and inserting in lieu thereof "townships of Howe Island and", so that the subsection shall read as follows:

- (1) The area comprising the County of Frontenac, ^{Frontenac County} except those parts which respectively consist of the City of Kingston and the townships of Howe Island and Wolfe Island, is hereby established as a high school district ^{High School District established} to be known as The Frontenac High School District.

2.—(1) Subsection 2 of section 5a of *The Frontenac High School District Act, 1949*, as enacted by section 1 of *The Frontenac High School District Act, 1954*, is amended by ^{1949, c. 124, s. 5a (1954, c. 111, s. 1), subs. 2, amended} striking out "Township of" in the tenth line and inserting in lieu thereof "townships of Howe Island and", so that the subsection shall read as follows:

- (2) The council of the County shall levy and collect ^{County levy and payment} each year, and transfer to the Board from time to time as required, but not later than the 15th day of December, such amount as the Board may deem necessary for the matters mentioned in clauses *a*, *b* and *c* of section 49 of *The High Schools Act*, and such amount shall be levied as part of the county rates against each of the local municipalities forming part of the County for municipal purposes, except the townships of Howe Island and Wolfe Island, in the

proportion that the equalized assessment, as defined in *The High Schools Act*, of such local municipality bears to the total equalized assessment of The Frontenac High School District.

1949, c. 124,
s. 5a (1954,
c. 111, s. 1),
subs. 3,
amended

(2) Subsection 3 of the said section 5a is amended by striking out "Township of" in the third line and inserting in lieu thereof "townships of Howe Island and", so that the subsection shall read as follows:

Tax notice

(3) The county clerk when certifying to the clerk of each local municipality forming part of the County for municipal purposes, except the townships of Howe Island and Wolfe Island, the amount to be levied in the municipality for county purposes, shall show separately the portion of such amount that is to be levied in such local municipality for the purposes of The Frontenac District High School Board and the treasurer of each such local municipality shall show in mills on the tax notice in each year the portion of the county rate levied for the purposes of the Board.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

4. This Act may be cited as *The Township of Howe Island Act, 1957*.



1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. STEWART

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of St. Thomas

MR. THOMAS (Elgin)

(PRIVATE BILL)

BILL

An Act respecting the City of St. Thomas

WHEREAS The Corporation of the City of St. Thomas, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Schedule B of *The City of St. Thomas Act, 1954* is 1954, c. 131,
amended by striking out "Lot Number 4" in the third line Sched. B,
and inserting in lieu thereof "Lots Numbers 4 and 5" and by amended
striking out "Lot 4" in the eighteenth line and inserting in
lieu thereof "Lot 5".

2.—(1) The lands described in the Schedule, heretofore Lands
granted to the Corporation, its successors and assigns, by the vested in
late Edward Horton, Barrister-at-law, (by deed dated the Corporation
20th day of February, 1878, and registered in the Registry
Office for the Registry Division of the County of Elgin on
the 9th day of January, 1879, as No. 6627 for St. Thomas)
so long as they should use same for a Market with reversion
of same to his heirs or assigns whenever the Corporation, its
successors or assigns, should cease to use same for a Market
ground, are hereby vested in the Corporation in fee simple
clear of and free from all right, title and interest other than
that of the Corporation.

(2) The trusts and restrictions created by the said instru- Trusts
ment No. 6627 for St. Thomas are hereby annulled. annulled

3. The conveyances by Central Mortgage and Housing Conveyances
Corporation to the Corporation for housing development deemed
purposes of the following lands in the City of St. Thomas: to have
vested
lands in
Corporation

- (a) Lots 74, 75 and 76, according to Registered Plan
No. 254, by deed dated the 12th day of August,
1952, and registered on the 29th day of August, 1952,
as No. 67482 for St. Thomas;

- (b) Lot 44 and Lots 65 to 73, inclusive, according to Registered Plan No. 254, by deed dated the 2nd day of September, 1952, and registered on the 29th day of March, 1954, as No. 69027 for St. Thomas;
- (c) Lot 9, according to Registered Plan No. 254, by deed dated the 16th day of February, 1955, and registered on the 28th day of March, 1955, as No. 70032 for St. Thomas;
- (d) Lots 45 to 64, inclusive, and Lots 77 to 84, inclusive, according to Registered Plan No. 254, by deed dated the 1st day of March, 1955, and registered on the 2nd day of May, 1955, as No. 70163 for St. Thomas,

shall be deemed to have vested the said lands in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Lands
vested
in
Corporation

4.—(1) The lands in the City of St. Thomas in the County of Elgin and Province of Ontario, being composed of Lot 4, in Block 14, according to Plan No. 15 as registered in the Registry Office for the Registry Division of the County of Elgin, heretofore conveyed to the Corporation by Amasa Wood by deed bearing date the 13th day of May, 1892, and registered in the said Registry Office on the 4th day of July, 1892, as No. 16952 for St. Thomas, upon certain trusts and conditions, are hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Trusts
annulled

(2) The trusts and conditions created by the said deed No. 16952 for St. Thomas are hereby annulled.

Lands
vested
in
Corporation

(3) That certain parcel of land situate in the City of St. Thomas in the County of Elgin and Province of Ontario, namely, Lot Three in Block Fourteen on the east side of Pearl Street as shown on Registered Plan No. 15, except the northerly fifty feet and except the southerly forty feet, otherwise described as follows:

Commencing on the west limit of Lot Three at the distance of forty feet northerly from the southwest angle of said Lot; thence easterly parallel to the south limit of said Lot to the east limit thereof; thence northerly along the said east limit a distance of forty-two feet to a point distant fifty feet southerly from the northeast angle of said Lot; thence westerly parallel to the south limit of said Lot to the west limit thereof; thence southerly along said west limit forty-two feet to the place of beginning,

being the remainder of parcel 12 in the register for St. Thomas in the land titles office at St. Thomas, is hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

(4) The council of the Corporation may pass by-laws,

By-laws
authorized

- (a) to sell or lease the whole or any part of the lands referred to in subsections 1 and 3, or any buildings thereon, upon such terms and conditions as are set forth in the by-law;
- (b) to maintain, repair, replace, tear down, remove or add to any of the buildings now or hereafter on the said lands;
- (c) to provide a suitable memorial to the late Amasa Wood, the public-spirited donor to the City of the Amasa Wood Hospital building and lands; and
- (d) to issue debentures when deemed necessary for any of the purposes mentioned in clauses *a*, *b* and *c*, subject only to the approval of the Ontario Municipal Board.

(5) The proceeds of sale of any of the said lands and rentals from any lease thereof shall be used by the Corporation for such hospital purposes as the council of the Corporation may by by-law or resolution from time to time determine, and not otherwise.

Use of
proceeds
from sale
or lease
of lands

(6) All donations, gifts, devises and bequests heretofore or hereafter made to or in trust for the Amasa Wood Hospital, the Memorial Hospital or the Elgin Memorial Hospital together with any unexpended income therefrom are hereby vested in the Corporation to be held by the Corporation on the same trusts as those created by such donations, gifts, devises and bequests so long as the buildings on the lands referred to in subsections 1 and 3 are used for hospital purposes, and when such buildings cease to be used for hospital purposes the residue of such donations, gifts, devises and bequests together with any income therefrom shall be used for such other hospital purposes, including a nurses residence, as the council of the Corporation may by by-law determine.

Gifts, etc.,
in trust
vested in
Corporation

(7) Save and excepting the donations, gifts, devises and bequests and the income therefrom referred to in subsection 6, all real and personal property and all other assets remaining under the control of The Memorial Hospital Trust are hereby vested in the Corporation and such property and assets and any income therefrom shall be used by the Corporation for such hospital purposes as the council of the Corporation may by by-law from time to time determine.

Assets of
trust
vested in
Corporation

(8) Pending the use for hospital purposes of any moneys received by the Corporation under subsection 5, 6 or 7, the

Investment
of funds

council of the Corporation may by by-law or resolution invest the same in one or more of the classes of securities referred to in section 26 of *The Trustee Act*.
 R.S.O. 1950, c. 400

Hospital purposes may include memorial

(9) The hospital purposes which may be determined by the council of the Corporation may include provision for a suitable memorial to the late Amasa Wood.

Memorial Hospital Trust dissolved

(10) The Memorial Hospital Trust, a corporation incorporated by *An Act respecting the Amasa Wood Hospital in the City of St. Thomas*, being chapter 123 of the Statutes of Ontario, 1919, as renamed by section 5 of *An Act respecting the City of St. Thomas*, being chapter 86 of the Statutes of Ontario, 1923, is hereby dissolved.

Repeal:

5. The following are repealed:

1919, c. 123

1. *An Act respecting the Amasa Wood Hospital in the City of St. Thomas*, being chapter 123 of the Statutes of Ontario, 1919.

1923, c. 86, s. 5

2. Section 5 of *An Act respecting the City of St. Thomas*, being chapter 86 of the Statutes of Ontario, 1923.

Commence-
ment

6.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1954.

Short title

7. This Act may be cited as *The City of St. Thomas Act, 1957*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of St. Thomas, in the County of Elgin and Province of Ontario, being part of block marked "Horton Market" as shown on Registered Plan Number 115, containing by admeasurement two acres and three-quarters of an acre be the same more or less, being composed of part of Lot Number 49 on the north side of Talbot Street, otherwise known as Lot Number 4 in the Ninth Concession of the Township of Yarmouth surveyed and laid out into Town Lots by Daniel Hanvey, P.L.S., for Messrs. Horton, Yarwood, Hughes and Kains, and the lots or parcels of land hereby conveyed or intended so to be are designated on a plan of the Village of Millersburg made by John D. Baikie, P.L.S., for the Corporation of the Township of Yarmouth registered in the Registry Office of the County of Elgin as parts of Blocks "F" and "G" and part of Town Lot Number 10 on the south side Celestine Street on the said Plan and the parcel of land hereby conveyed or intended so to be is bounded as follows, viz.:

COMMENCING at a point in the northerly limit of Talbot Street which is westerly one hundred feet (100') from the south-east angle of said Lot Number 4; thence northerly parallel with the side line between Lots Numbers 4 and 5, seven hundred and ninety feet and six inches (790' 6"), more or less, to the southerly limit of Kains Street; thence westerly along the southerly limit of Kains Street, sixty-four feet (64'); thence southerly parallel with the eastern limit of said Lot, one hundred and twenty feet (120'); thence westerly parallel with Kains Street, eighty feet (80'); thence southerly parallel with the said east limit of said Lot, one hundred and forty-one feet and eight inches (141' 8"), more or less, to the northerly limit of Celestine Street produced; thence westerly along the northerly limit of Celestine Street produced, twenty feet (20') more or less to the south-east angle of Lot Number 17 on said Plan; thence southerly across the easterly end of Celestine Street sixty-six feet (66'); thence westerly along the southerly limit of Celestine Street, thirty-two feet and six inches (32' 6"); thence southerly parallel with the east limit of said Lot lengthwise of Town Lot Number 10 and Block letter "F" on said Plan, three hundred and eleven feet and six inches (311' 6") more or less to a point one hundred and twenty feet (120') north of the north limit of Talbot Street; thence easterly parallel with the north limit of Talbot Street, one hundred and thirty-two feet and six inches (132' 6") more or less to a point one hundred and sixty-four feet (164') west from the east limit of said Lot; thence southerly parallel with the eastern limit of said Lot, one hundred and twenty feet (120') to the north limit of Talbot Street; thence easterly along the north limit of Talbot Street, sixty-four feet (64') to the place of beginning.

An Act respecting
the City of St. Thomas

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

(*Private Bill*)

No. 29

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of St. Thomas

MR. THOMAS (Elgin)

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of St. Thomas

WHEREAS The Corporation of the City of St. Thomas, Preamble hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B of *The City of St. Thomas Act, 1954* is 1954, c. 131, Sched. B, amended amended by striking out "Lot Number 4" in the third line and inserting in lieu thereof "Lots Numbers 4 and 5" and by striking out "Lot 4" in the eighteenth line and inserting in lieu thereof "Lot 5".

2. The conveyances by Central Mortgage and Housing Corporation to the Corporation for housing development purposes of the following lands in the City of St. Thomas: Conveyances deemed to have vested lands in Corporation

- (a) Lots 74, 75 and 76, according to Registered Plan No. 254, by deed dated the 12th day of August, 1952, and registered on the 29th day of August, 1952, as No. 67482 for St. Thomas;
- (b) Lot 44 and Lots 65 to 73, inclusive, according to Registered Plan No. 254, by deed dated the 2nd day of September, 1952, and registered on the 29th day of March, 1954, as No. 69027 for St. Thomas;
- (c) Lot 9, according to Registered Plan No. 254, by deed dated the 16th day of February, 1955, and registered on the 28th day of March, 1955, as No. 70032 for St. Thomas;
- (d) Lots 45 to 64, inclusive, and Lots 77 to 84, inclusive, according to Registered Plan No. 254, by deed dated

the 1st day of March, 1955, and registered on the 2nd day of May, 1955, as No. 70163 for St. Thomas,

shall be deemed to have vested the said lands in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Lands
vested
in
Corporation

3.—(1) The lands in the City of St. Thomas in the County of Elgin and Province of Ontario, being composed of Lot 4, in Block 14, according to Plan No. 15 as registered in the Registry Office for the Registry Division of the County of Elgin, heretofore conveyed to the Corporation by Amasa Wood by deed bearing date the 13th day of May, 1892, and registered in the said Registry Office on the 4th day of July, 1892, as No. 16952 for St. Thomas, upon certain trusts and conditions, are hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Trusts
annulled

(2) The trusts and conditions created by the said deed No. 16952 for St. Thomas are hereby annulled.

Lands
vested
in
Corporation

(3) That certain parcel of land situate in the City of St. Thomas in the County of Elgin and Province of Ontario, namely, Lot Three in Block Fourteen on the east side of Pearl Street as shown on Registered Plan No. 15, except the northerly fifty feet and except the southerly forty feet, otherwise described as follows:

Commencing on the west limit of Lot Three at the distance of forty feet northerly from the southwest angle of said Lot; thence easterly parallel to the south limit of said Lot to the east limit thereof; thence northerly along the said east limit a distance of forty-two feet to a point distant fifty feet southerly from the northeast angle of said Lot; thence westerly parallel to the south limit of said Lot to the west limit thereof; thence southerly along said west limit forty-two feet to the place of beginning,

being the remainder of parcel 12 in the register for St. Thomas in the land titles office at St. Thomas, is hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

By-laws
authorized

(4) The council of the Corporation may pass by-laws,

- (a) to sell or lease the whole or any part of the lands referred to in subsections 1 and 3, or any buildings thereon, upon such terms and conditions as are set forth in the by-law;
- (b) to maintain, repair, replace, tear down, remove or add to any of the buildings now or hereafter on the said lands;
- (c) to provide a suitable memorial to the late Amasa Wood, the public-spirited donor to the City of the Amasa Wood Hospital building and lands; and

- (d) to issue debentures when deemed necessary for any of the purposes mentioned in clauses *a*, *b* and *c*, subject only to the approval of the Ontario Municipal Board.

(5) The proceeds of sale of any of the said lands and rentals from any lease thereof shall be used by the Corporation for such hospital purposes as the council of the Corporation may by by-law or resolution from time to time determine, and not otherwise. Use of proceeds from sale or lease of lands

(6) Pending the use for hospital purposes of any moneys received by the Corporation under subsection 5, the council of the Corporation may by by-law or resolution invest the same in one or more of the classes of securities referred to in section 26 of *The Trustee Act*. Investment of funds

R.S.O. 1950,
c. 400

(7) The hospital purposes which may be determined by the council of the Corporation may include provision for a suitable memorial to the late Amasa Wood. Hospital purposes may include memorial

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1954. Idem

5. This Act may be cited as *The City of St. Thomas Act*, 1957. Short title



An Act respecting
the City of St. Thomas

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

(*Reprinted as amended by the
Committee on Private Bills*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the City of St. Thomas

MR. THOMAS (Elgin)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of St. Thomas

WHEREAS The Corporation of the City of St. Thomas, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Schedule B of *The City of St. Thomas Act, 1954* is 1954, c. 131,
Sched. B, amended by striking out "Lot Number 4" in the third line amended
and inserting in lieu thereof "Lots Numbers 4 and 5" and by
striking out "Lot 4" in the eighteenth line and inserting in
lieu thereof "Lot 5".

2. The conveyances by Central Mortgage and Housing Conveyances
deemed
to have
vested
lands in
Corporation
Corporation to the Corporation for housing development
purposes of the following lands in the City of St. Thomas:

- (a) Lots 74, 75 and 76, according to Registered Plan No. 254, by deed dated the 12th day of August, 1952, and registered on the 29th day of August, 1952, as No. 67482 for St. Thomas;
- (b) Lot 44 and Lots 65 to 73, inclusive, according to Registered Plan No. 254, by deed dated the 2nd day of September, 1952, and registered on the 29th day of March, 1954, as No. 69027 for St. Thomas;
- (c) Lot 9, according to Registered Plan No. 254, by deed dated the 16th day of February, 1955, and registered on the 28th day of March, 1955, as No. 70032 for St. Thomas;
- (d) Lots 45 to 64, inclusive, and Lots 77 to 84, inclusive, according to Registered Plan No. 254, by deed dated

the 1st day of March, 1955, and registered on the 2nd day of May, 1955, as No. 70163 for St. Thomas,

shall be deemed to have vested the said lands in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Lands
vested
in
Corporation

3.—(1) The lands in the City of St. Thomas in the County of Elgin and Province of Ontario, being composed of Lot 4, in Block 14, according to Plan No. 15 as registered in the Registry Office for the Registry Division of the County of Elgin, heretofore conveyed to the Corporation by Amasa Wood by deed bearing date the 13th day of May, 1892, and registered in the said Registry Office on the 4th day of July, 1892, as No. 16952 for St. Thomas, upon certain trusts and conditions, are hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Trusts
annulled

(2) The trusts and conditions created by the said deed No. 16952 for St. Thomas are hereby annulled.

Lands
vested
in
Corporation

(3) That certain parcel of land situate in the City of St. Thomas in the County of Elgin and Province of Ontario, namely, Lot Three in Block Fourteen on the east side of Pearl Street as shown on Registered Plan No. 15, except the northerly fifty feet and except the southerly forty feet, otherwise described as follows:

Commencing on the west limit of Lot Three at the distance of forty feet northerly from the southwest angle of said Lot; thence easterly parallel to the south limit of said Lot to the east limit thereof; thence northerly along the said east limit a distance of forty-two feet to a point distant fifty feet southerly from the northeast angle of said Lot; thence westerly parallel to the south limit of said Lot to the west limit thereof; thence southerly along said west limit forty-two feet to the place of beginning,

being the remainder of parcel 12 in the register for St. Thomas in the land titles office at St. Thomas, is hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

By-laws
authorized

(4) The council of the Corporation may pass by-laws,

- (a) to sell or lease the whole or any part of the lands referred to in subsections 1 and 3, or any buildings thereon, upon such terms and conditions as are set forth in the by-law;
- (b) to maintain, repair, replace, tear down, remove or add to any of the buildings now or hereafter on the said lands;
- (c) to provide a suitable memorial to the late Amasa Wood, the public-spirited donor to the City of the Amasa Wood Hospital building and lands; and

(d) to issue debentures when deemed necessary for any of the purposes mentioned in clauses *a*, *b* and *c*, subject only to the approval of the Ontario Municipal Board.

(5) The proceeds of sale of any of the said lands and rentals from any lease thereof shall be used by the Corporation for such hospital purposes as the council of the Corporation may by by-law or resolution from time to time determine, and not otherwise.

Use of
proceeds
from sale
or lease
of lands

(6) Pending the use for hospital purposes of any moneys received by the Corporation under subsection 5, the council of the Corporation may by by-law or resolution invest the same in one or more of the classes of securities referred to in section 26 of *The Trustee Act*.

Investment
of funds

R.S.O. 1950,
c. 400

(7) The hospital purposes which may be determined by the council of the Corporation may include provision for a suitable memorial to the late Amasa Wood.

Hospital
purposes
may
include
memorial

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

5. This Act may be cited as *The City of St. Thomas Act*, 1957.

Short title



An Act respecting
the City of St. Thomas

1st Reading

February 14th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

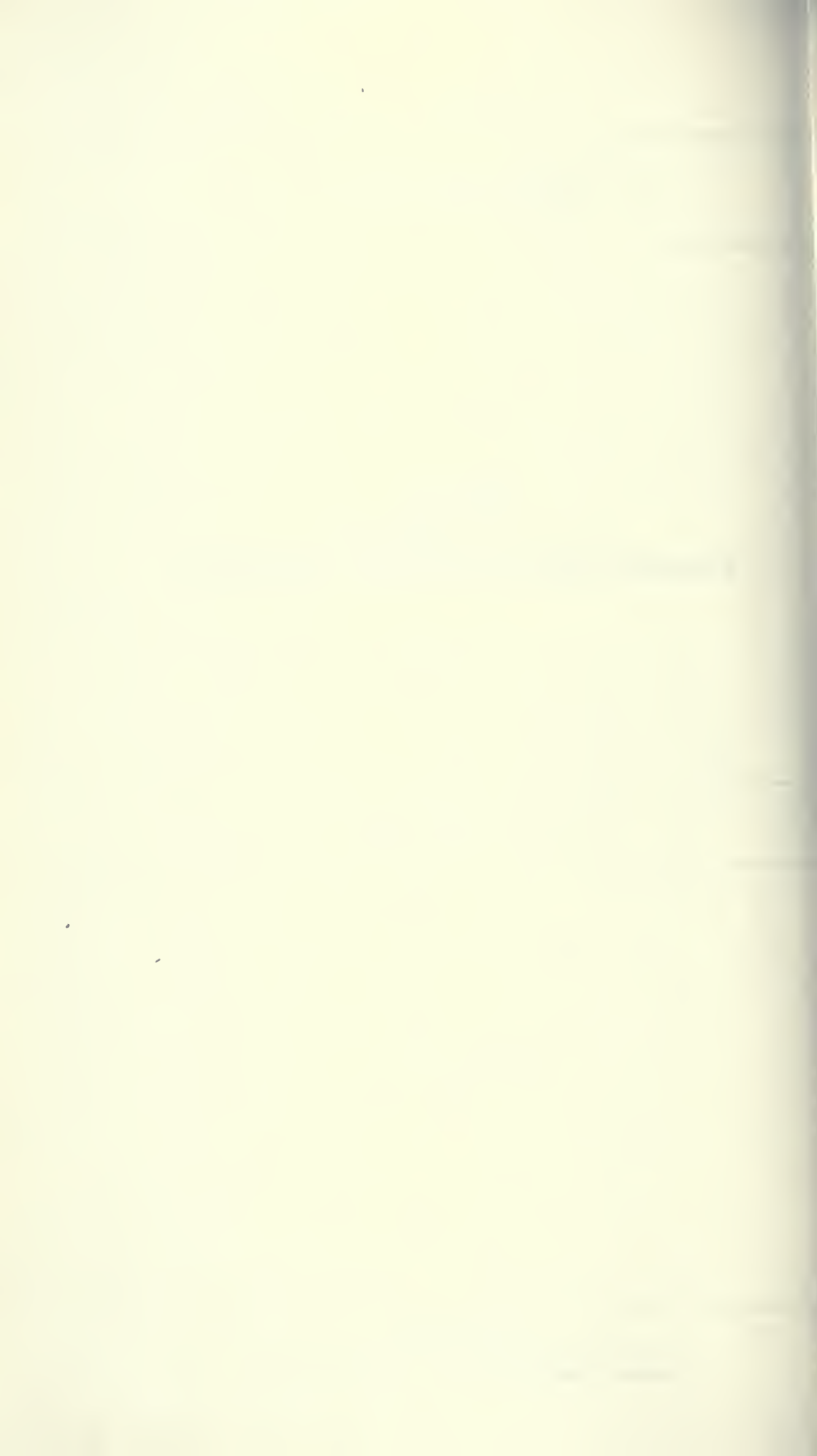
MR. THOMAS (Elgin)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act respecting the
Canadian National Exhibition Association

MR. FROST (Bracondale)

(PRIVATE BILL)



No. 30

1957

BILL

An Act respecting the Canadian National Exhibition Association

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Canadian National Exhibition Association Act, 1948* is amended by adding thereto the following subsection: 1948, c. 105,
s. 6,
amended

(1a) The Minister of Agriculture of the Province of Ontario may designate in writing the Deputy Minister of Agriculture to be a member of the Board in lieu of the Minister, and such designation shall continue to be effective, unless revoked in writing by the Minister, so long as the person making the designation continues in the office of Minister of Agriculture. Minister
may
designate
Deputy
Minister
to be
member

2. This Act comes into force on the 1st day of January, 1958. Commence-
ment

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1957*. Short title

BILL

An Act respecting
the Canadian National
Exhibition Association

1st Reading

2nd Reading

3rd Reading

MR. FROST (Bracondale)

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the
Canadian National Exhibition Association

MR. FROST (Bracondale)



No. 30

1957

BILL

An Act respecting the Canadian National Exhibition Association

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Canadian National Exhibition Association Act, 1948* is amended by adding thereto the following subsection: 1948, c. 105, s. 6, amended

(1a) The Minister of Agriculture of the Province of Ontario may designate in writing the Deputy Minister of Agriculture to be a member of the Board in lieu of the Minister, and such designation shall continue to be effective, unless revoked in writing by the Minister, so long as the person making the designation continues in the office of Minister of Agriculture. Minister may designate Deputy Minister to be member

2. This Act comes into force on the 1st day of January, 1958. Commencement

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1957*. Short title

BILL

An Act respecting
the Canadian National
Exhibition Association

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. FROST (Bracondale)

No. 31

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Windsor

MR. DAVIES

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

THE JOURNAL

OF THE

No. 31

1957

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor Preamble by its petition has represented that on the 5th day of November, 1956, By-law No. 1557 was passed by the council of the Corporation for submitting to the electors the following questions:

- (a) "Do you favour the abolition of the board of control to establish the council-manager form of government?"
- (b) "Do you favour the abolition of the ward system?"
- (c) "Do you favour keeping the present council system with the appointment of a business administrator?"

and that the said questions were submitted to the electors on the 3rd day of December, 1956, and a majority of the electors voted in the affirmative on questions *a* and *c* and in the negative on question *b*; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the petitioner has prayed for special legislation to effect such purpose and in respect of the several other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The City of Windsor (Amalgamation) Act*, 1935, c. 74, 1935, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act*, 1936 s. 6 (1936, c. 66, s. 2), re-enacted and amended by section 1 of *The City of Windsor Act*, 1953, is repealed and the following substituted therefor:

- 6.—(1) Notwithstanding the provisions of *The Municipal Council and its composition Act*, the council of the new city shall be composed of a mayor and ten aldermen.

- How elected (2) The mayor shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the five wards of the new city.
- Term of office (3) The mayor and aldermen shall be elected biennially and shall each hold office for a term of two years.
- Application of R.S.O. 1950, c. 243 (4) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and to the members thereof.
- Appointment of City Manager authorized 2. The council of the Corporation is hereby authorized and empowered by by-law to appoint and employ a general administrative head, to be known as the "City Manager", who shall have such general control and management of the administration of the City's government and affairs and perform such duties as the council shall by by-law in that behalf define, limit and determine, and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.
- Pension by-laws validated 3. By-law No. 726, validating the superannuation and benefit fund heretofore established for employees of the Corporation as heretofore amended and providing for the further amendment thereof, and By-law No. 742, amending the said by-law, set forth as Schedule A hereto, are hereby confirmed and declared to be legal, valid and binding from the dates of the passing of the by-laws.
- Retirement plan validated 4. The retirement plan for the employees of The Metropolitan General Hospital, set forth as Schedule B hereto, is hereby validated and confirmed and declared to be and to have been legal, valid and binding on and after the 31st day of December, 1955.
- Trust agreement validated 5. The agreement between The Metropolitan General Hospital and The Canada Trust Company bearing date the 31st day of December, 1955, set forth as Schedule C hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.
- 1929, c. 127, repealed 6. *The City of Windsor City Manager Act, 1929* is repealed.
- Commencement 7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.
- Idem (2) Section 1 comes into force on the 1st day of January, 1959.
- Short title 8. This Act may be cited as *The City of Windsor Act, 1957*.

SCHEDULE A

BY-LAW NUMBER 726

A by-law to validate the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and to provide for the further amendment thereof.

Passed the 6th day of July, 1948.

WHEREAS by By-law Number 156, passed the 5th day of July, 1938, and approved by the Department of Municipal Affairs on the 3rd day of August, 1938, the Council provided for the establishment and maintenance of a superannuation and benefit fund for employees of the Corporation by a pension plan dated April 6th, 1938, submitted by the Sun Life Assurance Company of Canada, as insurer, and the grant in the year 1938 and succeeding years of the annual sums necessary for the continuation of the said Fund;

AND WHEREAS by By-law Number 215, passed the 18th day of September, 1939, the Pensions Committee established under the authority of the said By-law Number 156 was given authority to administer the said Pension Plan and all amendments thereof approved from time to time by resolution of the Council;

AND WHEREAS amendments of the said original Pension Plan have been made from time to time, either by the said Insurer under the terms of the said Plan, or with the consent of the Corporation as expressed by resolution of its Council or by the City of Windsor Pensions Committee in the course of its administration of the same, and it is deemed desirable and expedient that the said Plan and all such amendments made up to and including the date hereof, and all the acts of the said Committee in its administration of the said Plan, be ratified, confirmed and authorized by by-law;

AND WHEREAS it is deemed expedient to authorize the further amendment of the said Pension Plan so as to provide for an increase of past service pension for employees who entered the Plan at its inauguration on July 1st, 1938 and further to provide a death benefit for all permanent employees (including those not covered for annuity benefits) of approximately one year's salary if death occurs prior to the age of sixty-five, reducing to one half the said amount when death occurs after the age of sixty-five, with the cost of such additional benefits divided between the Corporation and the employees, and an increase in the employees' contributions to cover their share of such cost;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That the group annuity contract between The Corporation of the City of Windsor and the Sun Life Assurance Company of Canada dated the 8th day of September, 1938, bearing Number 2621-G, including the following dated and numbered amendments, namely:

- Amendment No. 1 dated 26th October, 1938, effective July 15th, 1938, increasing contributions of new employees between ages 26 to 45 inclusive;
- Amendment No. 2 dated October 31st, 1938, effective July 1st, 1938, adding an omitted employee;
- Amendment No. 3 dated November 8th, 1939, effective July 1st, 1938, respecting proportions of premiums applicable to past and future service pensions respectively;
- Amendment No. 4 dated February 24th, 1940, effective September 4th, 1939, providing for protection of employees on active service;

Amendment No. 5 dated November 27th, 1947, effective July 1st, 1948, increasing rates of contributions by the employer for new employees pursuant to Provision 5 of the original Policy;

be and the same is hereby ratified and approved and declared to be legal and binding.

2. That all grants heretofore made by the Corporation, all contributions demanded and collected from employees of the Corporation and all premiums heretofore paid to the Insurer pursuant to the said contract and the said amendments, and all the acts of the City of Windsor Pensions Committee appointed under the authority of the said By-law 156, and their successors in office in the course of the administration of the said Plan and the said amendments, be and the same are hereby ratified and confirmed.

3. That the said Plan be further amended by the inclusion therein of the following additional benefits:

- (a) An increase on past service pension from three-quarters of one per cent to one per cent for the employees who entered the Plan at its inauguration;
- (b) A death benefit amounting to approximately one year's salary when death occurs prior to the age of sixty-five, reduced to one half the said amount when death occurs after age sixty-five, the said death benefits to cover all permanent employees, including those not now covered for annuity benefits because of age limitations, and that the above features be effective as of July 1st, 1948, and applicable only to those employees who have not reached the age of sixty-five on that date.

4. That every present and future employee of the Corporation included in any of the classifications under the said Plan as eligible for annuity benefits shall contribute to the said superannuation and benefit fund the monthly sums set out in the said Plan and the above recited amendments 1 to 5 thereof as applicable to the age, sex and salary classification of such employee, together with the following additional amounts in respect of the increased past service benefit and death benefit authorized by this by-law:

- (a) Employees covered as of June 30th, 1948, approximately one per cent of the average annual salary in their salary class, to be payable in twelve monthly instalments;
- (b) Employees covered on and after July 1st, 1948, approximately one and one half per cent of the average annual salary in their salary class to be payable in twelve monthly instalments.

5. That every present and future employee of the Corporation not eligible for annuity benefits under the said pension plan as amended who is under the age of sixty-five years as of July 1st, 1948, or who is under such age when subsequently permanently employed, be required to participate in and become covered by the group death benefit provision of the said Plan as authorized by this by-law to the fullest extent possible according to his salary classification and to contribute therefor a monthly premium amounting to seventy cents (70c) for each one thousand dollars (\$1,000.00) of such death benefit.

6. That the Corporation grant in the year 1948 and in each succeeding year such annual sums as may be necessary for the continuation and maintenance of the said pension plan, including the additional benefits authorized by this by-law, in excess of the employees' contributions hereinbefore referred to.

7. That Section 4 of By-law 156, passed the 5th day of July, 1938, and Section 2 of By-law 215, passed the 18th day of September, 1939, be and the same are hereby repealed insofar as they require the consent of the Ontario Municipal Board.

8. This by-law shall come into force on the day following the final passing thereof upon which it is approved by the Department of Municipal Affairs and when so approved shall not be amended or repealed without the approval of the said Department.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) W. STEWARD,
Acting Clerk.

First reading—July 6, 1948
Second Reading—July 6, 1948
Third Reading—July 6, 1948

BY-LAW NUMBER 742

A by-law to amend By-law 726 validating the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and providing for the further amendment thereof.

Passed the 2nd day of November, 1948.

WHEREAS it is deemed expedient to amend By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, so as to give effect to the said by-law from and after the First day of July, 1948;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That Section 8 of By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, be and the same is hereby repealed and the following substituted therefor:

8. This by-law shall be deemed to have come into force on the First day of July, 1948.

2. This by-law shall come into force and take effect on the day of final passing thereof.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) C. V. WATERS,
Clerk.

First Reading—November 2, 1948
Second Reading—November 2, 1948
Third Reading—November 2, 1948

SCHEDULE B

TEXT OF RETIREMENT PLAN FOR THE EMPLOYEES OF METROPOLITAN GENERAL HOSPITAL WINDSOR, ONTARIO

1. DEFINITIONS

In this Plan and in the Trust Agreement the following words and phrases shall have the following meanings respectively, unless a different meaning is specifically required by the context:

- (a) "Actuary" shall mean the Actuary or firm of Actuaries appointed by the Pension Committee with the approval of the Board for the purposes of the Plan. The Actuary or firm of Actuaries shall be or shall include a Fellow of a recognized actuarial body.
- (b) "Board" shall mean the Board of Governors of the Hospital.
- (c) "Continuous Service" shall mean unbroken employment with the Hospital and shall include:
 - (i) Periods of annual vacation granted by the Hospital.
 - (ii) The period between the date of leaving the Hospital immediately before joining the Armed Forces of Canada or its allies and the date of discharge from such Forces, provided that the employee has rendered three months service before joining the Armed Forces and provided that after discharge from the Armed Forces he has reported for work within the period of delay provided by law.
 - (iii) Temporary lay-offs with or without pay.
- (d) "Current Service" shall mean the period of continuous service rendered by the Member after the date of joining the Plan.
- (e) "Earnings" for service after joining the Plan shall mean actual earnings received from the Hospital including overtime. For the purposes of Past Service benefits, 1955 earnings will be calculated on the Member's annual rate of earnings as of September 30, 1955.
- (f) "Employee" shall mean any full-time employee of the Hospital who is engaged on a permanent basis.
- (g) "Hospital" shall mean the Metropolitan General Hospital, Windsor, Ontario.
- (h) "Member" shall mean any person who has joined the Plan and who continues to be entitled to benefits or rights thereunder.
- (i) "Past Service" shall mean the period of Continuous Service rendered by the Member prior to the Effective Date of the Plan.
- (j) "Pension Committee" shall mean the Committee appointed by the Board for the purpose of administering the Plan in accordance with the provisions thereof.
- (k) "Pension Trust Fund" shall mean the assets for the time being in the hands of the Trustee under the Trust Agreement.
- (l) "Plan" shall mean this Pension Plan for the Employees of the Hospital.
- (m) "Trust Agreement" shall mean the Trust Agreement between the Hospital and the Trustee, dated as of 31 December, 1955, and as amended from time to time.

- (n) "Trustee" shall mean the corporate trustee appointed from time to time under the Trust Agreement.
- (o) "3% Interest per annum compounded annually" with regard to contributions shall mean that interest shall be compounded annually from the end of the calendar year in which the contribution is made, at the rate of three per cent per annum.
- (p) Words importing the masculine gender shall include the feminine gender where the context so admits. Words importing the singular number may be construed to extend to and include the plural number, and every word importing the plural number may be construed to extend to and include the singular number.

2. EFFECTIVE DATE

The Effective Date of the Plan shall be December 31, 1955.

3. PENSION TRUST FUND

All contributions of the Members and the Hospital will be paid into the Pension Trust Fund. The Pension Trust Fund will be administered by the Trustee in accordance with the terms of the Trust Agreement.

A copy of the Trust Agreement may be examined by a Member at any reasonable time at the office of the Hospital.

All benefits under the Plan will be paid out of the Pension Trust Fund.

4. ADMINISTRATION OF THE PLAN

The Pension Committee shall conclusively determine all questions relating to service, eligibility and Employees' early and postponed retirements for the purposes of the Plan, and shall decide all matters relating to the administration, interpretation, or application of the Plan consistently, however, with the Trust Agreement and with the approval of the Board.

Any of the foregoing and any other matters relating to the Plan or relating to the functions and constitution of the Pension Committee may be embodied in rules and regulations, (which may be amended by the Board from time to time) governing details of the administration of the Plan.

5. ELIGIBILITY

(a) *Employees Eligible on December 31, 1955:*

Each Employee in the service of the Hospital on December 31, 1955, is eligible to join the Plan, provided he then

(i) has completed two or more years of continuous service, and

(ii) entered the service of the Hospital before reaching age 56.

Each Employee eligible on the Effective Date may join the Plan as of the Effective Date provided he joins within 30 days after that date or such extended date as the Pension Committee may approve.

Any Employee eligible on the Effective Date who fails to join the Plan within 30 days after the Effective Date, or such extended date as the Pension Committee may approve, may join as of any following April 1, July 1, October 1, or January 1, but he shall not be eligible for any Past Service benefits under the Plan.

(b) *Employees Eligible After December 31, 1955:*

Any other Employee will become eligible and may join the Plan as of any April 1, July 1, October 1, or January 1, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) has not reached age 56.

Any male Employee entering the service of the Hospital after December 31, 1955, *must* join the Plan upon completion of the eligibility requirements.

(c) *General:*

If a Member's employment is terminated and he is thereafter re-employed, he shall, upon such re-employment, be considered a new Employee for all purposes of the Plan. Any previously vested rights of such Employee will, however, remain to his credit unless he has exercised his option under Section 11 (b).

Nothing in this Plan shall in any way restrict the right of the Hospital to determine the employment of any Member.

To become a Member the eligible Employee must sign the prescribed enrolment forms and deliver such forms to the Hospital.

6. NORMAL RETIREMENT

The normal retirement date for a Member of the Plan will be the first day of the month coincident with or immediately following the date on which he reaches age 65.

A Member who has reached age 65 or over on the Effective Date will be eligible to retire immediately.

7. EARLY RETIREMENT

If a Member who has reached age 55 or over and who has completed at least 15 years of service with the Hospital shall be obliged to retire from the employment of the Hospital on account of disability, or other special circumstances, with the consent of the Hospital, he shall be entitled to receive from the date of such early retirement a pension based upon the normal pension credits which he had accumulated up to his date of early retirement but reduced in the following manner:

Number of Years between Early and Normal Retirement Dates	Percentage by which Accumulated Normal Pension is Reduced
1 year	3%
2 years	6%
3 years	9%
4 years	12%
5 years	15%
6 years	18%
7 years	21%
8 years	24%
9 years	27%
10 years	30%

The expression "disability" shall mean disability as a result of an injury or disease which seems likely to be permanent and which prevents the Employee from performing any work with the Hospital. The decision of the Pension Committee as to whether a Member is or is not obliged to retire on account of disability shall be final and conclusive. For the purpose of enabling the Pension Committee to arrive at any decision under this provision, the Member shall furnish to the Pension Committee all such information and shall submit to such medical examination as the Pension Committee may, from time to time, require.

8. POSTPONED RETIREMENT

With the consent of the Hospital a Member may remain in active service with the Hospital beyond his normal retirement date. His contributions will then continue until his postponed retirement date and his pension credits will accumulate up to the date of such postponed retirement.

9. CONTRIBUTIONS

(a) *Required Contributions by the Members:*

Each Member shall contribute 5% of his earnings by payroll deduction, towards his Current Service pension.

(b) *Contributions by the Hospital:*

In addition to contributing the full cost of providing the Past Service pensions, the Hospital shall also contribute such amounts as, when added to the Members' contributions, will provide the Current Service pensions.

(c) *Additional Voluntary Contributions by the Members:*

For the purpose of increasing the amount of pension to which he will be entitled upon retirement, a Member shall have the option of contributing additional amounts over and above that required as a Current Service contribution. Such additional voluntary contributions shall be credited at the rate of interest earned by the Fund each year, as determined by the Pension Committee, and shall be used to provide an additional amount of pension calculated in accordance with the actuarial tables in force at retirement. Such additional voluntary contributions shall be limited as follows:

(i) *Current Service:*

In addition to the required contributions for Current Service each Member may contribute by payroll deduction either an additional 1% or an additional 2% of his total earnings in respect of service after joining the Plan.

However, such additional contributions, together with his required Current Service contributions may not exceed a total of \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

(ii) *Past Service:*

In addition to the above contributions each Member may contribute, in respect of service with the Hospital before joining the Plan, an amount which shall not exceed 5% of the total of his earnings prior to December 31, 1955, received from and determined by the Hospital. Such contributions in respect of Past Service may be made at a rate not exceeding \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

10. AMOUNT OF PENSION

(a) *Past Service Pension:*

The Hospital intends, within its resources, to make such payments as may be required to provide an annual pension for Past Service for each Employee who is eligible and who joins the Plan as of

the Effective Date. Such annual pension for Past Service shall commence at normal or postponed retirement date, whichever shall be later, and shall amount to 1% of his 1955 earnings for each full year of continuous service from age 25 up to December 31, 1955 or from a Member's date of employment to December 31, 1955, less 2 years, whichever period is the shorter, subject to the reduction provided in paragraph (c) below.

Fractional parts of a year shall provide a proportionate amount of a full year's pension.

(b) *Current Service Pension:*

For service with the Hospital after joining the Plan, each Member will receive an annual pension commencing at normal or postponed retirement date of 2% of earnings on which he has made contributions, subject to the reduction provided in paragraph (c) below.

(c) *Reduction by the Amount of Pension Payable under The Old Age Security Act (1951):*

The total amount of monthly pension payable under paragraphs (a) and (b) above shall be reduced by \$40 a month commencing with the second monthly payment falling due after the retired Member's 70th birthday.

Notwithstanding the above reduction, in any case where the amount of pension payable after age 70 is less than \$10 per month, the Member shall be entitled to receive in a lump sum payment either:

- (i) the commuted value of the amount of pension to be paid after age 70, or
- (ii) an amount equal to his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement less the total pension payments he has received up to age 70, if any;

whichever amount shall be the greater.

11. TERMINATION OF EMPLOYMENT

If a Member's employment with the Hospital is terminated his membership in the Plan will cease and he will receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

If at the date of termination, however, the Member has completed 20 or more years of continuous service he may elect either:

- (a) to leave his contributions in the Pension Trust Fund and receive at his normal retirement date the Past Service pension and Current Service pension accrued to his credit up to the date of termination, or
- (b) to receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

12. BENEFITS ON DEATH

(a) *In the Service of the Hospital:*

If a Member should die in the service of the Hospital before retirement date his Estate will receive a refund of all the deceased Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(b) After Termination of Employment:

If a Member, upon termination of employment and as provided in Section 11, has elected to leave his contributions in the Pension Trust Fund and if his death occurs before he reaches normal retirement date, his Estate will receive a refund of the Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(c) Death After Retirement:

Should a Member's death occur after he has retired but before he has received 60 monthly pension cheques the remainder of the 60 payments which have not been made will continue to be payable to his Estate unless one of the alternative optional types of pension as provided in Section 13 has been elected.

In the event that the total payments made to the Member and his Estate are less than his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement, the difference will be paid to his Estate at the time of the last monthly pension cheque payable in accordance with the previous paragraph.

13. OPTIONAL TYPES OF PENSION

At any time before his normal retirement date, a Member who is married may, by notice in writing to the Pension Committee, elect one of the following Joint and Survivorship types of pension:

- (a) Joint and Survivorship pension which shall be reduced after the death of the Member to two-thirds the monthly amount that will be received by the Member prior to the date of his death;
- (b) Joint and Survivorship pension which shall be reduced after the death of the Member to one-half the monthly amount that will be received by the Member prior to the date of his death.

Should a Member elect one of the Joint and Survivorship types of pension, such Member will receive a reduced pension which shall be the actuarial equivalent of his normal pension. After the death of the Member, his widow, if living, will be eligible to receive two-thirds or one-half of the reduced amount, depending on the type elected for the widow's entire lifetime.

In the case of the death of a Member's wife before the Member retires under the Plan, the pension will become payable at the retirement date of the Member as if the option had not been elected.

In the event that a Member dies while in the service of the Hospital, after his normal retirement date but before his postponed retirement date, he shall be considered to have been retired on the first day of the month coincident with or immediately prior to his death. Should the Member have elected one of the Joint and Survivorship optional types of pension, payment of such pension shall be in accordance with the option selected.

The Pension Committee may from time to time adopt or establish other types of pension options consistent with legislation affecting the Plan.

14. METHOD OF PAYMENT OF PENSIONS

For the purposes of the Plan, retirement dates of Members will always occur on the first day of the month.

The Member's first pension cheque will be payable on his retirement date and a cheque for the same amount, except as provided herein, will be issued monthly thereafter to the retired Member up to and including the cheque payable immediately prior to his death.

15. ASSIGNMENT OF BENEFITS

The assignment of any benefits under the Plan, other than by election of a Joint and Survivorship option under the Plan, shall not be permitted.

16. PROOF OF AGE

No payment of pension will be made to any Member until satisfactory proof of age of the Member has been furnished. Should a Member elect a type of Joint and Survivorship pension, proof of age of his wife must also be furnished.

17. CHANGE, SUSPENSION OR DISCONTINUANCE OF PLAN

While it is the intention and hope of the Hospital to make contributions regularly and build up a reserve fund sufficient to provide all of the benefits contemplated under the Plan, the Hospital does not assume a contractual obligation to continue its contributions. It must necessarily reserve the right to change, modify, suspend or discontinue the Plan, or reduce its contributions, if in the future it should be unable to continue them in full.

If any social security or pension benefits should be created in favour of the Members of the Plan, by means of legislation under which the Hospital would be required to make contributions to or for the benefit of such Members, either directly or indirectly, through taxation or otherwise, the Hospital may, with respect to such Members, either discontinue the Plan or make such modifications as the Hospital considers equitable, without limiting the general rights reserved to the Hospital above.

However, all contributions made by the Hospital are irrevocable and, together with all contributions made by Members, may only be used exclusively for the benefit of Members, retired Members, their Estates and contingent annuitants. No change or modification will affect any rights which such persons may then have with respect to the terms of payment of, or the amount of pension which the contributions made by the Member and/or the Hospital prior to the Effective Date of such change or modification will provide.

If it ever should be necessary to discontinue the Plan, contributions made by the Hospital cannot be withdrawn but must remain in the Pension Trust Fund. In such event the Pension Trust Fund shall be distributed among the Members and retired Members and their Estates and contingent annuitants in an equitable manner determined by the Pension Committee in consultation with the Actuary and the Board, or, if the Hospital shall have been wound up or have become bankrupt, by the liquidator or trustee in bankruptcy of the Hospital as the case may be. No liability shall attach to the Pension Committee or any person thereon or the Board or the Hospital or the liquidator or the trustee in bankruptcy in connection with the distribution if made in all sincerity and good faith.

18. APPROVAL BY ALL REGULATORY BODIES

This Plan is being established subject to initial and continuing approval of the Plan by all interested regulatory and taxing authorities. The Hospital shall promptly submit the Pension Plan to the appropriate departments of the Governments of the Dominion of Canada and the Province of Ontario to obtain their initial approval. If such initial approval is refused, the Hospital at its discretion may either discontinue the Plan and return to all Members an amount equal to all of their contributions or modify the terms of the Plan so as to secure approval of the Plan by all regulatory bodies.

SCHEDULE C

THIS AGREEMENT executed as of the 31st day of December, 1955.

BETWEEN:

METROPOLITAN GENERAL HOSPITAL, situated in the City of Windsor, in the County of Essex in the Province of Ontario (hereinafter referred to as the "Hospital"),

OF THE FIRST PART,

—and—

THE CANADA TRUST COMPANY, a Company incorporated under the laws of Canada and licensed to do business in the Province of Ontario (hereinafter referred to as the "Trustee"),

OF THE SECOND PART.

WITNESSETH:

WHEREAS the Hospital has established a Retirement Plan (hereinafter referred to as the "Plan") in which are provided benefits for certain of its employees and for the beneficiaries or personal representatives of deceased employees who die after the effective date of the Plan; and

WHEREAS a Pension Committee (hereinafter referred to as the "Committee") has been appointed under the Plan to administer the Plan subject to the terms and provisions of the said Plan and of this Agreement; and

WHEREAS it is deemed desirable that funds irrevocably contributed for the payment of benefits under the Plan be segregated and held in trust in a Trust Fund (hereinafter referred to as the "Fund") for the exclusive benefit of such employees or their beneficiaries or personal representatives as shall from time to time be included under the Plan; and

WHEREAS the Hospital desires the Trustee to hold and administer the Fund and the Trustee is willing to hold and administer the same pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the Hospital and the Trustee do hereby covenant and agree as follows:

First: The Trustee shall receive any contributions paid to it in cash or other property acceptable to it. All contributions so received together with the income therefrom shall be held, managed and administered pursuant to the terms of this Agreement. The Trustee shall not be responsible for the collection of any funds required by the Plan to be paid to the Trustee.

Second: Subject to the provisions of Article Third hereof, the Trustee shall from time to time on the written directions of the Committee make payments out of the Fund, without distinction for principal or interest, to such persons including the Committee or any member thereof, in such manner, in such amounts and for such purposes as may be specified in the written directions of the Committee and upon any such payment being made, the amount thereof shall no longer constitute a part of the Fund.

The Trustee shall be under no liability for any payment made by it pursuant to the direction of the Committee and shall not be under the duty of making inquiries with respect to whether any payment directed by the Committee is made in pursuance of the provisions of the Plan.

Third: Anything contained in this Agreement to the contrary notwithstanding, it shall be impossible for any part of the Fund (other

than such part as is required to pay taxes, the Trustee's compensation and disbursements, and such other expenses that may be incurred in the administration of the Plan) to be used for, or diverted to, purposes other than for the exclusive benefit of the employee members of the Plan or their beneficiaries.

Fourth: The Trustee shall have the following powers and authority in the administration of the Fund to be exercised as provided in Article Fifth hereof.

- (a) With any cash at any time held by it to purchase or subscribe for any securities, mortgages or other property and to retain in trust such securities or other property.
- (b) To sell for cash, or on credit, convert, redeem, transfer, exchange for other securities or other property, or otherwise dispose of any securities, mortgages or other property at any time held by it by private contract or at public auction and to receive the consideration price and grant discharge therefor.
- (c) To settle, compromise or submit to arbitration, any claims, debts or damages, due or owing to or from the Fund, to commence or defend suits or legal proceedings and to represent the Fund in all suits or legal proceedings in connection with the Fund, provided, however, that the Trustee shall not be obligated or required to do so unless it has been indemnified.
- (d) To exercise or not exercise any conversion privileges and/or subscription rights available in connection with any securities or other property at any time held by it and to make any payments incidental thereto; to consent or withhold consent to the reorganization, consolidation, merger or readjustment of the finances of any corporation, company or association or to the selling, mortgaging, pledging or leasing of the property of any corporation, company or association, any of the securities of which may at any time be held by it and to do any act with reference thereto, including the exercise of options, making of agreements or subscriptions which may be deemed necessary or advisable in connection therewith, and to hold and retain any securities or other property which it may so acquire.
- (e) To vote upon any stocks, bonds or other securities and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other securities held in the Fund; provided that the Committee may at any time give written instructions to the Trustee as to the manner in which it shall vote the shares held by it on behalf of the Fund and the Trustee will vote the said shares in accordance with the said directions.
- (f) To renew or extend or participate in the renewal or extension of any mortgage, upon such terms as may be deemed advisable, and to agree to a reduction in the rate of interest on any mortgage or to any other modification or change in the terms of any mortgage or of any guarantee pertaining thereto, in any manner and to any extent that may be deemed advisable for the protection of the Fund or the preservation of the value of the investment, to waive any default whether in the performance of any covenant or condition of any mortgage or in the performance of any guarantee or to enforce any such default in such manner and to such extent as may be deemed advisable; to exercise and enforce any and all rights of foreclosure, to bid in property on foreclosure, to take a deed in lieu of foreclosure with or without paying a consideration therefor and in connection therewith to release the obligation on the bond secured by such mortgage and to exercise and enforce in any action, suit or proceeding at law or in equity any rights of remedies in respect to any such mortgage or guarantee.
- (g) To hold part or all of the Fund uninvested as deemed necessary and on such amounts so held shall pay interest computed in the Trustee's usual manner at the rate from time to time allowed by it on moneys on deposit.

- (h) To employ suitable agents and counsel who may be counsel for the Hospital and to pay their reasonable expenses and compensation.
- (i) To register any securities held by it hereunder in its own name or in the name of a nominee with or without the addition of words indicating that such securities are held in a fiduciary capacity and to hold any securities in bearer form.
- (j) To make, execute, acknowledge and deliver, as Trustee, any and all deeds, leases, mortgages, conveyances, contracts, waivers, releases or other instruments in writing necessary or proper for the accomplishment of any of the foregoing powers.
- (k) The Trustee may from time to time consult with counsel who may be counsel for the Hospital, and shall be fully protected in acting upon the advice of counsel. Whenever the occasion shall arise for the employment of legal solicitors or counsel pursuant to any provision of the Agreement, the Trustee shall so intimate to the Committee and the Committee shall intimate to the Trustee the solicitors and counsel to be retained from time to time.
- (l) The Trustee shall not be liable for the making, retention or sale of any investment or re-investment made by it as herein provided or for the proper application of any part of the Fund if payments are made in accordance with the written directions of the Committee as herein provided, nor for any loss or diminution of the Fund, or its adequacy to meet and discharge any and all payments and liabilities under the Plan; except when such loss, diminution or inadequacy is due to the Trustee's own negligence or wilful misconduct. All persons dealing with the Trustee are released from enquiry into the decisions or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

Fifth: The powers listed in Article Fourth of this Agreement shall be exercised by the Trustee in its uncontrolled discretion except as therein otherwise provided.

Sixth: The Trustee shall, in its sole discretion, invest and reinvest the principal and income of the Fund, without distinction between principal and income, in investments which at the time of investment are authorized under the regulations established by the Minister of National Revenue, either before or after the execution of this Agreement, for approved or registered pension plans. The Trustee shall not be limited by the laws of any Province of Canada concerning investments by Trustees. Provided that in no event shall investments be made in the notes, stocks, bonds or other securities of the Company. The Trustee in its discretion may keep such portion of the Fund in cash balances as the Trustee may from time to time deem to be in the best interest of the Fund.

The Trustee shall have full power and authority to commingle all or any part of the Fund for investment with funds of other trusts in a pooled trust fund administered by it.

Seventh: The Trustee shall pay out of the Trust Fund all real and personal property taxes, income taxes and other taxes of any and all kinds levied or assessed under existing or future laws upon or in respect to the Trust Fund or any money, property or securities forming a part thereof.

The Trustee shall be paid such reasonable compensation as shall from time to time be agreed upon by the Hospital and the Trustee. Such compensation and the Trustee's disbursements shall be withdrawn by the Trustee out of the Fund, unless paid by the Hospital.

Notwithstanding the provisions of Article Second hereof all of such payments may be made without seeking the approval or instructions of the Committee but the Committee shall be advised of any such payment.

Eighth: The Trustee shall render annually within sixty (60) days after the anniversary date hereof, and within sixty (60) days after the removal or resignation of the Trustee, to the Committee in a form satisfactory to the Committee, a detailed account of its transactions in connection with the Fund during the twelve-month period ended on such anniversary, or during any shorter period ending with such removal or resignation of the Trustee, and the Committee may approve such accounts by an instrument in writing delivered to the Trustee. In the absence of the filing in writing with the Trustee by the Committee of exceptions or objections to any such account within sixty (60) days, the Committee shall be deemed to have approved such account; and in such case or upon the written approval of the Committee of any such account, the Trustee shall be released, relieved and discharged with respect to all matters and things set forth in such account as though such account had been settled by the decree of a court of competent jurisdiction.

No person other than the Board of Governors of the Hospital and/or the Committee may require an accounting or bring any action against the Trustee with respect to the said Fund and/or its actions as Trustee.

Ninth: The Trustee shall be fully protected in relying upon a certification of the Committee with respect to any instruction, direction or approval of the Committee; and also in relying upon a certification of the Board of Governors of the Hospital as to the membership of the Committee as it then exists and in continuing to rely upon such certification until a subsequent certification is filed with the Trustee.

The Trustee shall be fully protected in acting upon any instrument, certificate or paper, believed by it to be genuine and to be signed or presented by the proper person or persons, and the Trustee shall be under no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as conclusive evidence of the truth and accuracy of the statement therein contained.

The Trustee shall not be liable for the proper application of any part of the Fund, if payments are made in accordance with the written directions of the Committee as herein provided, nor shall the Trustee be responsible for the adequacy of the Fund to meet and discharge any and all payments and liabilities under the Plan. All persons dealing with the Trustee are released from inquiry into the decision or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

The Trustee shall not be liable hereunder except for its own negligence or wilful misconduct.

Tenth: Any action by the Hospital pursuant to any of the provisions of this Agreement shall be evidenced by a resolution of its Board of Governors certified to the Trustee by an officer of the Hospital and the Trustee shall be fully protected in acting in accordance with such resolution so certified to it.

Eleventh: Any action by the Committee pursuant to any of the provisions of this Agreement shall be evidenced by a certificate of the Committee purporting to be signed by two members thereof and the Trustee shall be fully protected in acting in accordance with such certificates so signed.

Twelfth: Any Trustee acting hereunder may resign at any time by giving sixty (60) days' written notice to the Hospital. The Hospital may remove any Trustee at any time by giving sixty (60) days' written notice and in the case of the resignation or removal of any Trustee the Hospital shall appoint a successor Trustee. Upon such removal or resignation of the Trustee the Hospital shall appoint a successor Trustee who shall have the same powers and duties as those conferred upon the Trustee hereunder and, upon acceptance of such appointment by the successor Trustee, the Trustee shall assign, transfer and pay over to such successor Trustee the funds and properties then constituting the Fund. The Trustee is authorized, however, to reserve such sum or money as may

be necessary for payment of its fees and expenses in connection with the settlement of its account or otherwise, and any balance of such reserve remaining after the payment of such fees and expenses shall be paid over to the successor Trustee.

Thirteenth: Any Company or corporation into which the Trustee may merge or with which it may be consolidated or any company or corporation resulting from any merger or consolidation to which the Trustee may be a party shall be the successor of the Trustee hereunder, without the execution or filing of any additional instrument or the performance of any further act.

Fourteenth: Subject to the provisions of Article Third hereof, this Agreement may be amended or modified at any time by the Hospital provided that no amendment or modification shall increase the duties or obligations or change the compensation of the Trustee hereunder without its consent. Any such amendment or modification shall be by a written instrument which shall be delivered to the Trustee.

Fifteenth: This Trust and Agreement may be terminated at any time by the Hospital and upon the termination of the Fund and Agreement or upon the dissolution or liquidation of the Hospital the Fund shall be paid out by the Trustee as directed by the Committee subject to the provisions of Article Third hereof.

The Trust shall terminate in the event of dissolution, merger or consolidation of the Hospital, or the sale or other disposition of substantially all its assets, unless within one hundred eighty (180) days thereafter provision is made by the successor for continuing the Fund; and in that event such successor shall be substituted for the Hospital hereunder. The Fund may be terminated at any time by the Hospital by resolution of its Board of Governors. The Trustees or Trustee then acting may order and direct that the Fund be terminated in the event the Hospital shall be adjudicated a bankrupt or shall be placed in receivership.

Sixteenth: The Trustee hereby accepts this Trust and agrees to hold all the property now or hereafter constituting the Fund hereunder, subject to all the terms and conditions of this Agreement. The duties and obligations of the Trustee shall be determined solely by the express provisions hereof.

Seventeenth: Notwithstanding anything contained elsewhere in this Agreement, if any interested regulatory body of either the Province of Ontario or the Dominion of Canada shall refuse or fail to approve the Plan, then and in such case these presents shall cease and the Hospital shall be under no further obligation hereunder or under the Plan, and all cash, securities and other property then constituting the Fund, less any amounts constituting charges against the Fund, shall be paid or delivered by the Trustee to the Committee, or in accordance with its order, in trust for the persons beneficially entitled thereto as set forth in the Plan, and upon so doing the Trustee shall be forever discharged from its obligations and liabilities under this Agreement; it being the clear intent and purpose of these presents that the Plan shall be acceptable to and approved by all interested regulatory bodies and that if the same shall not be approved then none of the parties to this Agreement and none of the parties to the Plan shall be obliged in any way under the provisions of this Agreement or the Plan.

Eighteenth: The Trustee may from time to time make such arrangements as may be deemed proper for the care, management and safekeeping of the securities and investments held as part of the Fund.

Nineteenth: If any part of this Agreement shall be found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof but such part shall be fully separable and the Agreement shall be construed and enforced as if such invalid or unenforceable matter had never been inserted herein.

Twentieth: This Agreement shall be binding upon the parties and upon their successor and assigns.

Twenty-First: This Agreement shall be construed and enforced according to the laws of the Province of Ontario and all provisions hereof shall be administered according to the laws of the said Province.

IN WITNESS WHEREOF the parties have caused these presents to be signed by their duly authorized officers and their corporate seals to be hereunder affixed the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

(Seal)

(Seal)

METROPOLITAN GENERAL HOSPITAL

W. L. MCGREGOR,

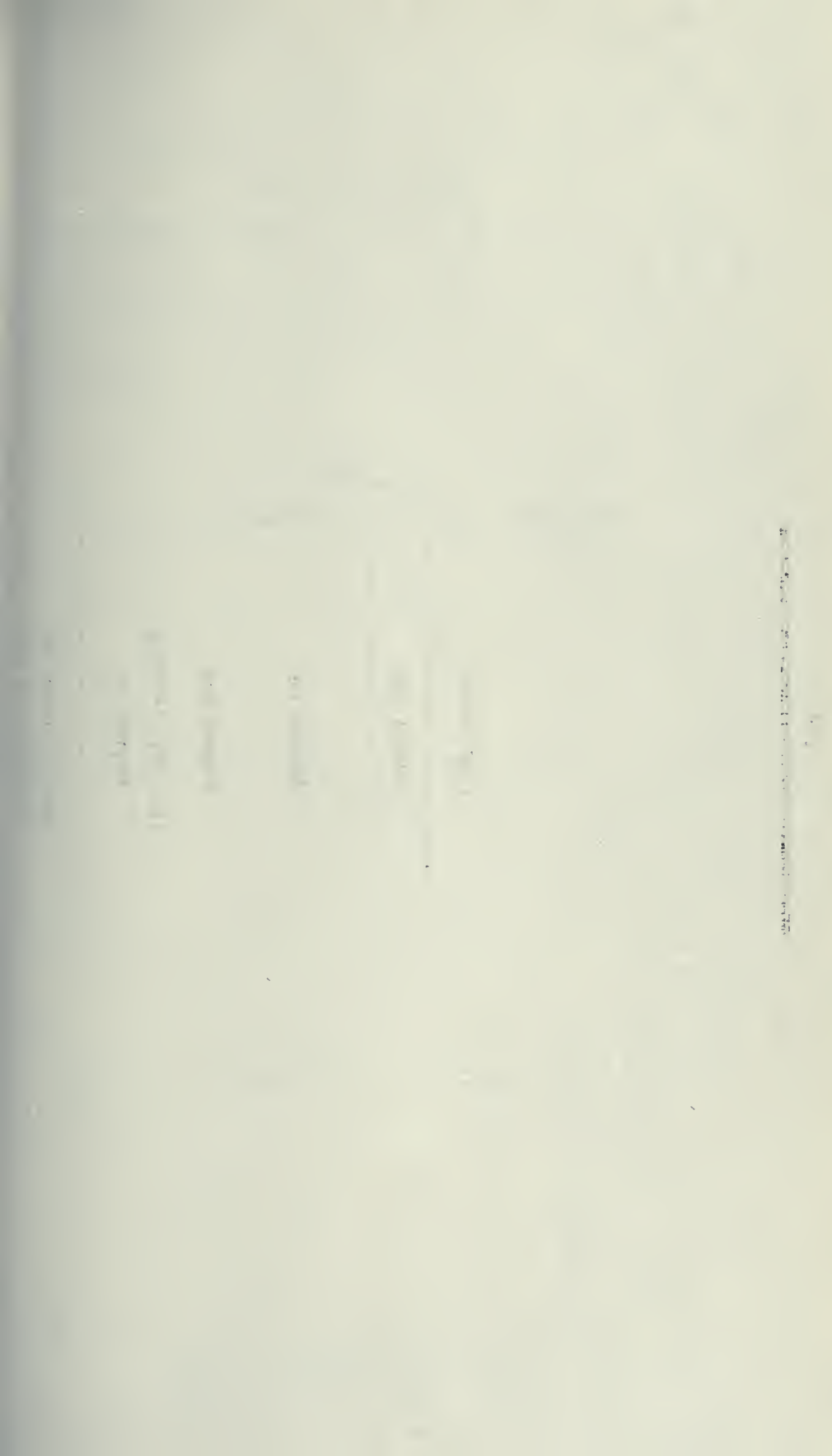
R. BUCKNER.

THE CANADA TRUST COMPANY

E. T. LINNELL,
Manager.

H. A. HEINE,
Assistant Manager.





An Act respecting
the City of Windsor

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. DAVIES

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Windsor

MR. DAVIES

(Reprinted as amended by the Committee of the Whole House)



No. 31

1957

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor Preamble by its petition has represented that on the 5th day of November, 1956, By-law No. 1557 was passed by the council of the Corporation for submitting to the electors the following questions:

- (a) "Do you favour the abolition of the board of control to establish the council-manager form of government?"
- (b) "Do you favour the abolition of the ward system?"
- (c) "Do you favour keeping the present council system with the appointment of a business administrator?";

and that the said questions were submitted to the electors on the 3rd day of December, 1956, and a majority of the electors voted in the affirmative on questions *a* and *c* and in the negative on question *b*; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the petitioner has prayed for special legislation to effect such purpose and in respect of the several other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The City of Windsor (Amalgamation) Act*, 1935, c. 74, 1935, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act*, 1936 and amended by section 1 of *The City of Windsor Act*, 1953, is repealed and the following substituted therefor:

- 6.—(1) Notwithstanding the provisions of *The Municipal Act*, the council of the new city shall be composed of a mayor and ten aldermen.

How
elected

- (2) The mayor shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the five wards of the new city.

Term of
office

- (3) The mayor and aldermen shall be elected biennially and shall each hold office for a term of two years.

Application
of
R.S.O. 1950,
c. 243

- (4) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and to the members thereof.

Appointment
of City
Manager
authorized

2. The council of the Corporation is hereby authorized and empowered by by-law to appoint and employ a general administrative head, to be known as the "City Manager", who shall have such general control and management of the administration of the City's government and affairs and perform such duties as the council shall by by-law in that behalf define, limit and determine, and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.

Pension
by-laws
validated

3. By-law No. 726, validating the superannuation and benefit fund heretofore established for employees of the Corporation as heretofore amended and providing for the further amendment thereof, and By-law No. 742, amending the said by-law, set forth as Schedule A hereto, are hereby confirmed and declared to be legal, valid and binding from the dates of the passing of the by-laws.

Retirement
plan
validated

4. The retirement plan for the employees of The Metropolitan General Hospital, set forth as Schedule B hereto, is hereby validated and confirmed and declared to be and to have been legal, valid and binding on and after the 31st day of December, 1955.

Trust
agreement
validated


5. The agreement between The Metropolitan General Hospital and The Canada Trust Company bearing date the 31st day of December, 1955, set forth as Schedule C hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

1929, c. 127,
repealed

6. *The City of Windsor City Manager Act, 1929* is repealed.

Appoint-
ment
of com-
mittee
of trustees
for civic
auditorium

7. Notwithstanding any other Act, the council of the Corporation is authorized to pass by-laws placing the construction and management of a civic auditorium in the City of Windsor in the hands of a committee of trustees appointed by the

council and constituted in accordance with the trusts contained in the last will and testament and codicil thereto of the late Edmund Anderson Cleary of the City of Windsor which was proved and registered in the surrogate court of the County of Essex on the 19th day of July, 1955. 

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the 1st day of January, 1959. Idem

9. This Act may be cited as *The City of Windsor Act, 1957*. Short title

SCHEDULE A

BY-LAW NUMBER 726

A by-law to validate the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and to provide for the further amendment thereof.

Passed the 6th day of July, 1948.

WHEREAS by By-law Number 156, passed the 5th day of July, 1938, and approved by the Department of Municipal Affairs on the 3rd day of August, 1938, the Council provided for the establishment and maintenance of a superannuation and benefit fund for employees of the Corporation by a pension plan dated April 6th, 1938, submitted by the Sun Life Assurance Company of Canada, as insurer, and the grant in the year 1938 and succeeding years of the annual sums necessary for the continuation of the said Fund;

AND WHEREAS by By-law Number 215, passed the 18th day of September, 1939, the Pensions Committee established under the authority of the said By-law Number 156 was given authority to administer the said Pension Plan and all amendments thereof approved from time to time by resolution of the Council;

AND WHEREAS amendments of the said original Pension Plan have been made from time to time, either by the said Insurer under the terms of the said Plan, or with the consent of the Corporation as expressed by resolution of its Council or by the City of Windsor Pensions Committee in the course of its administration of the same, and it is deemed desirable and expedient that the said Plan and all such amendments made up to and including the date hereof, and all the acts of the said Committee in its administration of the said Plan, be ratified, confirmed and authorized by by-law;

AND WHEREAS it is deemed expedient to authorize the further amendment of the said Pension Plan so as to provide for an increase of past service pension for employees who entered the Plan at its inauguration on July 1st, 1938 and further to provide a death benefit for all permanent employees (including those not covered for annuity benefits) of approximately one year's salary if death occurs prior to the age of sixty-five, reducing to one half the said amount when death occurs after the age of sixty-five, with the cost of such additional benefits divided between the Corporation and the employees, and an increase in the employees' contributions to cover their share of such cost;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That the group annuity contract between The Corporation of the City of Windsor and the Sun Life Assurance Company of Canada dated the 8th day of September, 1938, bearing Number 2621-G, including the following dated and numbered amendments, namely:

Amendment No. 1 dated 26th October, 1938, effective July 15th, 1938, increasing contributions of new employees between ages 26 to 45 inclusive;

Amendment No. 2 dated October 31st, 1938, effective July 1st, 1938, adding an omitted employee;

Amendment No. 3 dated November 8th, 1939, effective July 1st, 1938, respecting proportions of premiums applicable to past and future service pensions respectively;

Amendment No. 4 dated February 24th, 1940, effective September 4th, 1939, providing for protection of employees on active service;

Amendment No. 5 dated November 27th, 1947, effective July 1st, 1948, increasing rates of contributions by the employer for new employees pursuant to Provision 5 of the original Policy;

be and the same is hereby ratified and approved and declared to be legal and binding.

2. That all grants heretofore made by the Corporation, all contributions demanded and collected from employees of the Corporation and all premiums heretofore paid to the Insurer pursuant to the said contract and the said amendments, and all the acts of the City of Windsor Pensions Committee appointed under the authority of the said By-law 156, and their successors in office in the course of the administration of the said Plan and the said amendments, be and the same are hereby ratified and confirmed.

3. That the said Plan be further amended by the inclusion therein of the following additional benefits:

- (a) An increase on past service pension from three-quarters of one per cent to one per cent for the employees who entered the Plan at its inauguration;
- (b) A death benefit amounting to approximately one year's salary when death occurs prior to the age of sixty-five, reduced to one half the said amount when death occurs after age sixty-five, the said death benefits to cover all permanent employees, including those not now covered for annuity benefits because of age limitations, and that the above features be effective as of July 1st, 1948, and applicable only to those employees who have not reached the age of sixty-five on that date.

4. That every present and future employee of the Corporation included in any of the classifications under the said Plan as eligible for annuity benefits shall contribute to the said superannuation and benefit fund the monthly sums set out in the said Plan and the above recited amendments 1 to 5 thereof as applicable to the age, sex and salary classification of such employee, together with the following additional amounts in respect of the increased past service benefit and death benefit authorized by this by-law:

- (a) Employees covered as of June 30th, 1948, approximately one per cent of the average annual salary in their salary class, to be payable in twelve monthly instalments;
- (b) Employees covered on and after July 1st, 1948, approximately one and one half per cent of the average annual salary in their salary class to be payable in twelve monthly instalments.

5. That every present and future employee of the Corporation not eligible for annuity benefits under the said pension plan as amended who is under the age of sixty-five years as of July 1st, 1948, or who is under such age when subsequently permanently employed, be required to participate in and become covered by the group death benefit provision of the said Plan as authorized by this by-law to the fullest extent possible according to his salary classification and to contribute therefor a monthly premium amounting to seventy cents (70c) for each one thousand dollars (\$1,000.00) of such death benefit.

6. That the Corporation grant in the year 1948 and in each succeeding year such annual sums as may be necessary for the continuation and maintenance of the said pension plan, including the additional benefits authorized by this by-law, in excess of the employees' contributions hereinbefore referred to.

7. That Section 4 of By-law 156, passed the 5th day of July, 1938, and Section 2 of By-law 215, passed the 18th day of September, 1939, be and the same are hereby repealed insofar as they require the consent of the Ontario Municipal Board.

8. This by-law shall come into force on the day following the final passing thereof upon which it is approved by the Department of Municipal Affairs and when so approved shall not be amended or repealed without the approval of the said Department.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) W. STEWARD,
Acting Clerk.

First reading—July 6, 1948
Second Reading—July 6, 1948
Third Reading—July 6, 1948

BY-LAW NUMBER 742

A by-law to amend By-law 726 validating the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and providing for the further amendment thereof.

Passed the 2nd day of November, 1948.

WHEREAS it is deemed expedient to amend By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, so as to give effect to the said by-law from and after the First day of July, 1948;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That Section 8 of By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, be and the same is hereby repealed and the following substituted therefor:

8. This by-law shall be deemed to have come into force on the First day of July, 1948.

2. This by-law shall come into force and take effect on the day of final passing thereof.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) C. V. WATERS,
Clerk.

First Reading—November 2, 1948
Second Reading—November 2, 1948
Third Reading—November 2, 1948

SCHEDULE B

TEXT OF RETIREMENT PLAN FOR THE EMPLOYEES OF METROPOLITAN GENERAL HOSPITAL WINDSOR, ONTARIO

1. DEFINITIONS

In this Plan and in the Trust Agreement the following words and phrases shall have the following meanings respectively, unless a different meaning is specifically required by the context:

- (a) "Actuary" shall mean the Actuary or firm of Actuaries appointed by the Pension Committee with the approval of the Board for the purposes of the Plan. The Actuary or firm of Actuaries shall be or shall include a Fellow of a recognized actuarial body.
- (b) "Board" shall mean the Board of Governors of the Hospital.
- (c) "Continuous Service" shall mean unbroken employment with the Hospital and shall include:
 - (i) Periods of annual vacation granted by the Hospital.
 - (ii) The period between the date of leaving the Hospital immediately before joining the Armed Forces of Canada or its allies and the date of discharge from such Forces, provided that the employee has rendered three months service before joining the Armed Forces and provided that after discharge from the Armed Forces he has reported for work within the period of delay provided by law.
 - (iii) Temporary lay-offs with or without pay.
- (d) "Current Service" shall mean the period of continuous service rendered by the Member after the date of joining the Plan.
- (e) "Earnings" for service after joining the Plan shall mean actual earnings received from the Hospital including overtime. For the purposes of Past Service benefits, 1955 earnings will be calculated on the Member's annual rate of earnings as of September 30, 1955.
- (f) "Employee" shall mean any full-time employee of the Hospital who is engaged on a permanent basis.
- (g) "Hospital" shall mean the Metropolitan General Hospital, Windsor, Ontario.
- (h) "Member" shall mean any person who has joined the Plan and who continues to be entitled to benefits or rights thereunder.
- (i) "Past Service" shall mean the period of Continuous Service rendered by the Member prior to the Effective Date of the Plan.
- (j) "Pension Committee" shall mean the Committee appointed by the Board for the purpose of administering the Plan in accordance with the provisions thereof.
- (k) "Pension Trust Fund" shall mean the assets for the time being in the hands of the Trustee under the Trust Agreement.
- (l) "Plan" shall mean this Pension Plan for the Employees of the Hospital.
- (m) "Trust Agreement" shall mean the Trust Agreement between the Hospital and the Trustee, dated as of 31 December, 1955, and as amended from time to time.

- (n) "Trustee" shall mean the corporate trustee appointed from time to time under the Trust Agreement.
- (o) "3% Interest per annum compounded annually" with regard to contributions shall mean that interest shall be compounded annually from the end of the calendar year in which the contribution is made, at the rate of three per cent per annum.
- (p) Words importing the masculine gender shall include the feminine gender where the context so admits. Words importing the singular number may be construed to extend to and include the plural number, and every word importing the plural number may be construed to extend to and include the singular number.

2. EFFECTIVE DATE

The Effective Date of the Plan shall be December 31, 1955.

3. PENSION TRUST FUND

All contributions of the Members and the Hospital will be paid into the Pension Trust Fund. The Pension Trust Fund will be administered by the Trustee in accordance with the terms of the Trust Agreement.

A copy of the Trust Agreement may be examined by a Member at any reasonable time at the office of the Hospital.

All benefits under the Plan will be paid out of the Pension Trust Fund.

4. ADMINISTRATION OF THE PLAN

The Pension Committee shall conclusively determine all questions relating to service, eligibility and Employees' early and postponed retirements for the purposes of the Plan, and shall decide all matters relating to the administration, interpretation, or application of the Plan consistently, however, with the Trust Agreement and with the approval of the Board.

Any of the foregoing and any other matters relating to the Plan or relating to the functions and constitution of the Pension Committee may be embodied in rules and regulations, (which may be amended by the Board from time to time) governing details of the administration of the Plan.

5. ELIGIBILITY

(a) *Employees Eligible on December 31, 1955:*

Each Employee in the service of the Hospital on December 31, 1955, is eligible to join the Plan, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) entered the service of the Hospital before reaching age 56.

Each Employee eligible on the Effective Date may join the Plan as of the Effective Date provided he joins within 30 days after that date or such extended date as the Pension Committee may approve.

Any Employee eligible on the Effective Date who fails to join the Plan within 30 days after the Effective Date, or such extended date as the Pension Committee may approve, may join as of any following April 1, July 1, October 1, or January 1, but he shall not be eligible for any Past Service benefits under the Plan.

(b) *Employees Eligible After December 31, 1955:*

Any other Employee will become eligible and may join the Plan as of any April 1, July 1, October 1, or January 1, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) has not reached age 56.

Any male Employee entering the service of the Hospital after December 31, 1955, *must* join the Plan upon completion of the eligibility requirements.

(c) *General:*

If a Member's employment is terminated and he is thereafter re-employed, he shall, upon such re-employment, be considered a new Employee for all purposes of the Plan. Any previously vested rights of such Employee will, however, remain to his credit unless he has exercised his option under Section 11 (b).

Nothing in this Plan shall in any way restrict the right of the Hospital to determine the employment of any Member.

To become a Member the eligible Employee must sign the prescribed enrolment forms and deliver such forms to the Hospital.

6. NORMAL RETIREMENT

The normal retirement date for a Member of the Plan will be the first day of the month coincident with or immediately following the date on which he reaches age 65.

A Member who has reached age 65 or over on the Effective Date will be eligible to retire immediately.

7. EARLY RETIREMENT

If a Member who has reached age 55 or over and who has completed at least 15 years of service with the Hospital shall be obliged to retire from the employment of the Hospital on account of disability, or other special circumstances, with the consent of the Hospital, he shall be entitled to receive from the date of such early retirement a pension based upon the normal pension credits which he had accumulated up to his date of early retirement but reduced in the following manner:

Number of Years between Early and Normal Retirement Dates	Percentage by which Accumulated Normal Pension is Reduced
1 year	3%
2 years	6%
3 years	9%
4 years	12%
5 years	15%
6 years	18%
7 years	21%
8 years	24%
9 years	27%
10 years	30%

The expression "disability" shall mean disability as a result of an injury or disease which seems likely to be permanent and which prevents the Employee from performing any work with the Hospital. The decision of the Pension Committee as to whether a Member is or is not obliged to retire on account of disability shall be final and conclusive. For the purpose of enabling the Pension Committee to arrive at any decision under this provision, the Member shall furnish to the Pension Committee all such information and shall submit to such medical examination as the Pension Committee may, from time to time, require.

8. POSTPONED RETIREMENT

With the consent of the Hospital a Member may remain in active service with the Hospital beyond his normal retirement date. His contributions will then continue until his postponed retirement date and his pension credits will accumulate up to the date of such postponed retirement.

9. CONTRIBUTIONS

(a) *Required Contributions by the Members:*

Each Member shall contribute 5% of his earnings by payroll deduction, towards his Current Service pension.

(b) *Contributions by the Hospital:*

In addition to contributing the full cost of providing the Past Service pensions, the Hospital shall also contribute such amounts as, when added to the Members' contributions, will provide the Current Service pensions.

(c) *Additional Voluntary Contributions by the Members:*

For the purpose of increasing the amount of pension to which he will be entitled upon retirement, a Member shall have the option of contributing additional amounts over and above that required as a Current Service contribution. Such additional voluntary contributions shall be credited at the rate of interest earned by the Fund each year, as determined by the Pension Committee, and shall be used to provide an additional amount of pension calculated in accordance with the actuarial tables in force at retirement. Such additional voluntary contributions shall be limited as follows:

(i) *Current Service:*

In addition to the required contributions for Current Service each Member may contribute by payroll deduction either an additional 1% or an additional 2% of his total earnings in respect of service after joining the Plan.

However, such additional contributions, together with his required Current Service contributions may not exceed a total of \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

(ii) *Past Service:*

In addition to the above contributions each Member may contribute, in respect of service with the Hospital before joining the Plan, an amount which shall not exceed 5% of the total of his earnings prior to December 31, 1955, received from and determined by the Hospital. Such contributions in respect of Past Service may be made at a rate not exceeding \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

10. AMOUNT OF PENSION

(a) *Past Service Pension:*

The Hospital intends, within its resources, to make such payments as may be required to provide an annual pension for Past Service for each Employee who is eligible and who joins the Plan as of

the Effective Date. Such annual pension for Past Service shall commence at normal or postponed retirement date, whichever shall be later, and shall amount to 1% of his 1955 earnings for each full year of continuous service from age 25 up to December 31, 1955 or from a Member's date of employment to December 31, 1955, less 2 years, whichever period is the shorter, subject to the reduction provided in paragraph (c) below.

Fractional parts of a year shall provide a proportionate amount of a full year's pension.

(b) *Current Service Pension:*

For service with the Hospital after joining the Plan, each Member will receive an annual pension commencing at normal or postponed retirement date of 2% of earnings on which he has made contributions, subject to the reduction provided in paragraph (c) below.

(c) *Reduction by the Amount of Pension Payable under The Old Age Security Act (1951):*

The total amount of monthly pension payable under paragraphs (a) and (b) above shall be reduced by \$40 a month commencing with the second monthly payment falling due after the retired Member's 70th birthday.

Notwithstanding the above reduction, in any case where the amount of pension payable after age 70 is less than \$10 per month, the Member shall be entitled to receive in a lump sum payment either:

- (i) the commuted value of the amount of pension to be paid after age 70, or
- (ii) an amount equal to his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement less the total pension payments he has received up to age 70, if any;

whichever amount shall be the greater.

11. TERMINATION OF EMPLOYMENT

If a Member's employment with the Hospital is terminated his membership in the Plan will cease and he will receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

If at the date of termination, however, the Member has completed 20 or more years of continuous service he may elect either:

- (a) to leave his contributions in the Pension Trust Fund and receive at his normal retirement date the Past Service pension and Current Service pension accrued to his credit up to the date of termination, or
- (b) to receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

12. BENEFITS ON DEATH

(a) *In the Service of the Hospital:*

If a Member should die in the service of the Hospital before retirement date his Estate will receive a refund of all the deceased Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(b) After Termination of Employment:

If a Member, upon termination of employment and as provided in Section 11, has elected to leave his contributions in the Pension Trust Fund and if his death occurs before he reaches normal retirement date, his Estate will receive a refund of the Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(c) Death After Retirement:

Should a Member's death occur after he has retired but before he has received 60 monthly pension cheques the remainder of the 60 payments which have not been made will continue to be payable to his Estate unless one of the alternative optional types of pension as provided in Section 13 has been elected.

In the event that the total payments made to the Member and his Estate are less than his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement, the difference will be paid to his Estate at the time of the last monthly pension cheque payable in accordance with the previous paragraph.

13. OPTIONAL TYPES OF PENSION

At any time before his normal retirement date, a Member who is married may, by notice in writing to the Pension Committee, elect one of the following Joint and Survivorship types of pension:

- (a) Joint and Survivorship pension which shall be reduced after the death of the Member to two-thirds the monthly amount that will be received by the Member prior to the date of his death;
- (b) Joint and Survivorship pension which shall be reduced after the death of the Member to one-half the monthly amount that will be received by the Member prior to the date of his death.

Should a Member elect one of the Joint and Survivorship types of pension, such Member will receive a reduced pension which shall be the actuarial equivalent of his normal pension. After the death of the Member, his widow, if living, will be eligible to receive two-thirds or one-half of the reduced amount, depending on the type elected for the widow's entire lifetime.

In the case of the death of a Member's wife before the Member retires under the Plan, the pension will become payable at the retirement date of the Member as if the option had not been elected.

In the event that a Member dies while in the service of the Hospital, after his normal retirement date but before his postponed retirement date, he shall be considered to have been retired on the first day of the month coincident with or immediately prior to his death. Should the Member have elected one of the Joint and Survivorship optional types of pension, payment of such pension shall be in accordance with the option selected.

The Pension Committee may from time to time adopt or establish other types of pension options consistent with legislation affecting the Plan.

14. METHOD OF PAYMENT OF PENSIONS

For the purposes of the Plan, retirement dates of Members will always occur on the first day of the month.

The Member's first pension cheque will be payable on his retirement date and a cheque for the same amount, except as provided herein, will be issued monthly thereafter to the retired Member up to and including the cheque payable immediately prior to his death.

15. ASSIGNMENT OF BENEFITS

The assignment of any benefits under the Plan, other than by election of a Joint and Survivorship option under the Plan, shall not be permitted.

16. PROOF OF AGE

No payment of pension will be made to any Member until satisfactory proof of age of the Member has been furnished. Should a Member elect a type of Joint and Survivorship pension, proof of age of his wife must also be furnished.

17. CHANGE, SUSPENSION OR DISCONTINUANCE OF PLAN

While it is the intention and hope of the Hospital to make contributions regularly and build up a reserve fund sufficient to provide all of the benefits contemplated under the Plan, the Hospital does not assume a contractual obligation to continue its contributions. It must necessarily reserve the right to change, modify, suspend or discontinue the Plan, or reduce its contributions, if in the future it should be unable to continue them in full.

If any social security or pension benefits should be created in favour of the Members of the Plan, by means of legislation under which the Hospital would be required to make contributions to or for the benefit of such Members, either directly or indirectly, through taxation or otherwise, the Hospital may, with respect to such Members, either discontinue the Plan or make such modifications as the Hospital considers equitable, without limiting the general rights reserved to the Hospital above.

However, all contributions made by the Hospital are irrevocable and, together with all contributions made by Members, may only be used exclusively for the benefit of Members, retired Members, their Estates and contingent annuitants. No change or modification will affect any rights which such persons may then have with respect to the terms of payment of, or the amount of pension which the contributions made by the Member and/or the Hospital prior to the Effective Date of such change or modification will provide.

If it ever should be necessary to discontinue the Plan, contributions made by the Hospital cannot be withdrawn but must remain in the Pension Trust Fund. In such event the Pension Trust Fund shall be distributed among the Members and retired Members and their Estates and contingent annuitants in an equitable manner determined by the Pension Committee in consultation with the Actuary and the Board, or, if the Hospital shall have been wound up or have become bankrupt, by the liquidator or trustee in bankruptcy of the Hospital as the case may be. No liability shall attach to the Pension Committee or any person thereon or the Board or the Hospital or the liquidator or the trustee in bankruptcy in connection with the distribution if made in all sincerity and good faith.

18. APPROVAL BY ALL REGULATORY BODIES

This Plan is being established subject to initial and continuing approval of the Plan by all interested regulatory and taxing authorities. The Hospital shall promptly submit the Pension Plan to the appropriate departments of the Governments of the Dominion of Canada and the Province of Ontario to obtain their initial approval. If such initial approval is refused, the Hospital at its discretion may either discontinue the Plan and return to all Members an amount equal to all of their contributions or modify the terms of the Plan so as to secure approval of the Plan by all regulatory bodies.

SCHEDULE C

THIS AGREEMENT executed as of the 31st day of December, 1955.

BETWEEN:

METROPOLITAN GENERAL HOSPITAL, situated in the City of Windsor, in the County of Essex in the Province of Ontario (hereinafter referred to as the "Hospital"),

OF THE FIRST PART,

—and—

THE CANADA TRUST COMPANY, a Company incorporated under the laws of Canada and licensed to do business in the Province of Ontario (hereinafter referred to as the "Trustee"),

OF THE SECOND PART.

WITNESSETH:

WHEREAS the Hospital has established a Retirement Plan (hereinafter referred to as the "Plan") in which are provided benefits for certain of its employees and for the beneficiaries or personal representatives of deceased employees who die after the effective date of the Plan; and

WHEREAS a Pension Committee (hereinafter referred to as the "Committee") has been appointed under the Plan to administer the Plan subject to the terms and provisions of the said Plan and of this Agreement; and

WHEREAS it is deemed desirable that funds irrevocably contributed for the payment of benefits under the Plan be segregated and held in trust in a Trust Fund (hereinafter referred to as the "Fund") for the exclusive benefit of such employees or their beneficiaries or personal representatives as shall from time to time be included under the Plan; and

WHEREAS the Hospital desires the Trustee to hold and administer the Fund and the Trustee is willing to hold and administer the same pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the Hospital and the Trustee do hereby covenant and agree as follows:

First: The Trustee shall receive any contributions paid to it in cash or other property acceptable to it. All contributions so received together with the income therefrom shall be held, managed and administered pursuant to the terms of this Agreement. The Trustee shall not be responsible for the collection of any funds required by the Plan to be paid to the Trustee.

Second: Subject to the provisions of Article Third hereof, the Trustee shall from time to time on the written directions of the Committee make payments out of the Fund, without distinction for principal or interest, to such persons including the Committee or any member thereof, in such manner, in such amounts and for such purposes as may be specified in the written directions of the Committee and upon any such payment being made, the amount thereof shall no longer constitute a part of the Fund.

The Trustee shall be under no liability for any payment made by it pursuant to the direction of the Committee and shall not be under the duty of making inquiries with respect to whether any payment directed by the Committee is made in pursuance of the provisions of the Plan.

Third: Anything contained in this Agreement to the contrary notwithstanding, it shall be impossible for any part of the Fund (other

than such part as is required to pay taxes, the Trustee's compensation and disbursements, and such other expenses that may be incurred in the administration of the Plan) to be used for, or diverted to, purposes other than for the exclusive benefit of the employee members of the Plan or their beneficiaries.

Fourth: The Trustee shall have the following powers and authority in the administration of the Fund to be exercised as provided in Article Fifth hereof.

- (a) With any cash at any time held by it to purchase or subscribe for any securities, mortgages or other property and to retain in trust such securities or other property.
- (b) To sell for cash, or on credit, convert, redeem, transfer, exchange for other securities or other property, or otherwise dispose of any securities, mortgages or other property at any time held by it by private contract or at public auction and to receive the consideration price and grant discharge therefor.
- (c) To settle, compromise or submit to arbitration, any claims, debts or damages, due or owing to or from the Fund, to commence or defend suits or legal proceedings and to represent the Fund in all suits or legal proceedings in connection with the Fund, provided, however, that the Trustee shall not be obligated or required to do so unless it has been indemnified.
- (d) To exercise or not exercise any conversion privileges and/or subscription rights available in connection with any securities or other property at any time held by it and to make any payments incidental thereto; to consent or withhold consent to the reorganization, consolidation, merger or readjustment of the finances of any corporation, company or association or to the selling, mortgaging, pledging or leasing of the property of any corporation, company or association, any of the securities of which may at any time be held by it and to do any act with reference thereto, including the exercise of options, making of agreements or subscriptions which may be deemed necessary or advisable in connection therewith, and to hold and retain any securities or other property which it may so acquire.
- (e) To vote upon any stocks, bonds or other securities and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other securities held in the Fund; provided that the Committee may at any time give written instructions to the Trustee as to the manner in which it shall vote the shares held by it on behalf of the Fund and the Trustee will vote the said shares in accordance with the said directions.
- (f) To renew or extend or participate in the renewal or extension of any mortgage, upon such terms as may be deemed advisable, and to agree to a reduction in the rate of interest on any mortgage or to any other modification or change in the terms of any mortgage or of any guarantee pertaining thereto, in any manner and to any extent that may be deemed advisable for the protection of the Fund or the preservation of the value of the investment, to waive any default whether in the performance of any covenant or condition of any mortgage or in the performance of any guarantee or to enforce any such default in such manner and to such extent as may be deemed advisable; to exercise and enforce any and all rights of foreclosure, to bid in property on foreclosure, to take a deed in lieu of foreclosure with or without paying a consideration therefor and in connection therewith to release the obligation on the bond secured by such mortgage and to exercise and enforce in any action, suit or proceeding at law or in equity any rights of remedies in respect to any such mortgage or guarantee.
- (g) To hold part or all of the Fund uninvested as deemed necessary and on such amounts so held shall pay interest computed in the Trustee's usual manner at the rate from time to time allowed by it on moneys on deposit.

- (h) To employ suitable agents and counsel who may be counsel for the Hospital and to pay their reasonable expenses and compensation.
- (i) To register any securities held by it hereunder in its own name or in the name of a nominee with or without the addition of words indicating that such securities are held in a fiduciary capacity and to hold any securities in bearer form.
- (j) To make, execute, acknowledge and deliver, as Trustee, any and all deeds, leases, mortgages, conveyances, contracts, waivers, releases or other instruments in writing necessary or proper for the accomplishment of any of the foregoing powers.
- (k) The Trustee may from time to time consult with counsel who may be counsel for the Hospital, and shall be fully protected in acting upon the advice of counsel. Whenever the occasion shall arise for the employment of legal solicitors or counsel pursuant to any provision of the Agreement, the Trustee shall so intimate to the Committee and the Committee shall intimate to the Trustee the solicitors and counsel to be retained from time to time.
- (l) The Trustee shall not be liable for the making, retention or sale of any investment or re-investment made by it as herein provided or for the proper application of any part of the Fund if payments are made in accordance with the written directions of the Committee as herein provided, nor for any loss or diminution of the Fund, or its adequacy to meet and discharge any and all payments and liabilities under the Plan; except when such loss, diminution or inadequacy is due to the Trustee's own negligence or wilful misconduct. All persons dealing with the Trustee are released from enquiry into the decisions or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

Fifth: The powers listed in Article Fourth of this Agreement shall be exercised by the Trustee in its uncontrolled discretion except as therein otherwise provided.

Sixth: The Trustee shall, in its sole discretion, invest and reinvest the principal and income of the Fund, without distinction between principal and income, in investments which at the time of investment are authorized under the regulations established by the Minister of National Revenue, either before or after the execution of this Agreement, for approved or registered pension plans. The Trustee shall not be limited by the laws of any Province of Canada concerning investments by Trustees. Provided that in no event shall investments be made in the notes, stocks, bonds or other securities of the Company. The Trustee in its discretion may keep such portion of the Fund in cash balances as the Trustee may from time to time deem to be in the best interest of the Fund.

The Trustee shall have full power and authority to commingle all or any part of the Fund for investment with funds of other trusts in a pooled trust fund administered by it.

Seventh: The Trustee shall pay out of the Trust Fund all real and personal property taxes, income taxes and other taxes of any and all kinds levied or assessed under existing or future laws upon or in respect to the Trust Fund or any money, property or securities forming a part thereof.

The Trustee shall be paid such reasonable compensation as shall from time to time be agreed upon by the Hospital and the Trustee. Such compensation and the Trustee's disbursements shall be withdrawn by the Trustee out of the Fund, unless paid by the Hospital.

Notwithstanding the provisions of Article Second hereof all of such payments may be made without seeking the approval or instructions of the Committee but the Committee shall be advised of any such payment.

Eighth: The Trustee shall render annually within sixty (60) days after the anniversary date hereof, and within sixty (60) days after the removal or resignation of the Trustee, to the Committee in a form satisfactory to the Committee, a detailed account of its transactions in connection with the Fund during the twelve-month period ended on such anniversary, or during any shorter period ending with such removal or resignation of the Trustee, and the Committee may approve such accounts by an instrument in writing delivered to the Trustee. In the absence of the filing in writing with the Trustee by the Committee of exceptions or objections to any such account within sixty (60) days, the Committee shall be deemed to have approved such account; and in such case or upon the written approval of the Committee of any such account, the Trustee shall be released, relieved and discharged with respect to all matters and things set forth in such account as though such account had been settled by the decree of a court of competent jurisdiction.

No person other than the Board of Governors of the Hospital and/or the Committee may require an accounting or bring any action against the Trustee with respect to the said Fund and/or its actions as Trustee.

Ninth: The Trustee shall be fully protected in relying upon a certification of the Committee with respect to any instruction, direction or approval of the Committee; and also in relying upon a certification of the Board of Governors of the Hospital as to the membership of the Committee as it then exists and in continuing to rely upon such certification until a subsequent certification is filed with the Trustee.

The Trustee shall be fully protected in acting upon any instrument, certificate or paper, believed by it to be genuine and to be signed or presented by the proper person or persons, and the Trustee shall be under no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as conclusive evidence of the truth and accuracy of the statement therein contained.

The Trustee shall not be liable for the proper application of any part of the Fund, if payments are made in accordance with the written directions of the Committee as herein provided, nor shall the Trustee be responsible for the adequacy of the Fund to meet and discharge any and all payments and liabilities under the Plan. All persons dealing with the Trustee are released from inquiry into the decision or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

The Trustee shall not be liable hereunder except for its own negligence or wilful misconduct.

Tenth: Any action by the Hospital pursuant to any of the provisions of this Agreement shall be evidenced by a resolution of its Board of Governors certified to the Trustee by an officer of the Hospital and the Trustee shall be fully protected in acting in accordance with such resolution so certified to it.

Eleventh: Any action by the Committee pursuant to any of the provisions of this Agreement shall be evidenced by a certificate of the Committee purporting to be signed by two members thereof and the Trustee shall be fully protected in acting in accordance with such certificates so signed.

Twelfth: Any Trustee acting hereunder may resign at any time by giving sixty (60) days' written notice to the Hospital. The Hospital may remove any Trustee at any time by giving sixty (60) days' written notice and in the case of the resignation or removal of any Trustee the Hospital shall appoint a successor Trustee. Upon such removal or resignation of the Trustee the Hospital shall appoint a successor Trustee who shall have the same powers and duties as those conferred upon the Trustee hereunder and, upon acceptance of such appointment by the successor Trustee, the Trustee shall assign, transfer and pay over to such successor Trustee the funds and properties then constituting the Fund. The Trustee is authorized, however, to reserve such sum or money as may

be necessary for payment of its fees and expenses in connection with the settlement of its account or otherwise, and any balance of such reserve remaining after the payment of such fees and expenses shall be paid over to the successor Trustee.

Thirteenth: Any Company or corporation into which the Trustee may merge or with which it may be consolidated or any company or corporation resulting from any merger or consolidation to which the Trustee may be a party shall be the successor of the Trustee hereunder, without the execution or filing of any additional instrument or the performance of any further act.

Fourteenth: Subject to the provisions of Article Third hereof, this Agreement may be amended or modified at any time by the Hospital provided that no amendment or modification shall increase the duties or obligations or change the compensation of the Trustee hereunder without its consent. Any such amendment or modification shall be by a written instrument which shall be delivered to the Trustee.

Fifteenth: This Trust and Agreement may be terminated at any time by the Hospital and upon the termination of the Fund and Agreement or upon the dissolution or liquidation of the Hospital the Fund shall be paid out by the Trustee as directed by the Committee subject to the provisions of Article Third hereof.

The Trust shall terminate in the event of dissolution, merger or consolidation of the Hospital, or the sale or other disposition of substantially all its assets, unless within one hundred eighty (180) days thereafter provision is made by the successor for continuing the Fund; and in that event such successor shall be substituted for the Hospital hereunder. The Fund may be terminated at any time by the Hospital by resolution of its Board of Governors. The Trustees or Trustee then acting may order and direct that the Fund be terminated in the event the Hospital shall be adjudicated a bankrupt or shall be placed in receivership.

Sixteenth: The Trustee hereby accepts this Trust and agrees to hold all the property now or hereafter constituting the Fund hereunder, subject to all the terms and conditions of this Agreement. The duties and obligations of the Trustee shall be determined solely by the express provisions hereof.

Seventeenth: Notwithstanding anything contained elsewhere in this Agreement, if any interested regulatory body of either the Province of Ontario or the Dominion of Canada shall refuse or fail to approve the Plan, then and in such case these presents shall cease and the Hospital shall be under no further obligation hereunder or under the Plan, and all cash, securities and other property then constituting the Fund, less any amounts constituting charges against the Fund, shall be paid or delivered by the Trustee to the Committee, or in accordance with its order, in trust for the persons beneficially entitled thereto as set forth in the Plan, and upon so doing the Trustee shall be forever discharged from its obligations and liabilities under this Agreement; it being the clear intent and purpose of these presents that the Plan shall be acceptable to and approved by all interested regulatory bodies and that if the same shall not be approved then none of the parties to this Agreement and none of the parties to the Plan shall be obliged in any way under the provisions of this Agreement or the Plan.

Eighteenth: The Trustee may from time to time make such arrangements as may be deemed proper for the care, management and safekeeping of the securities and investments held as part of the Fund.

Nineteenth: If any part of this Agreement shall be found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof but such part shall be fully separable and the Agreement shall be construed and enforced as if such invalid or unenforceable matter had never been inserted herein.

Twentieth: This Agreement shall be binding upon the parties and upon their successor and assigns.

Twenty-First: This Agreement shall be construed and enforced according to the laws of the Province of Ontario and all provisions hereof shall be administered according to the laws of the said Province.

IN WITNESS WHEREOF the parties have caused these presents to be signed by their duly authorized officers and their corporate seals to be hereunder affixed the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

(Seal)

METROPOLITAN GENERAL HOSPITAL

W. L. MCGREGOR,

R. BUCKNER.

THE CANADA TRUST COMPANY

E. T. LINNELL,
Manager.

H. A. HEINE,
Assistant Manager.

(Seal)

BILL

An Act respecting
the City of Windsor

1st Reading

February 14th, 1957

2nd Reading

March 11th, 1957

3rd Reading

MR. DAVIES

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the City of Windsor

MR. DAVIES

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor Preamble
by its petition has represented that on the 5th day of
November, 1956, By-law No. 1557 was passed by the council
of the Corporation for submitting to the electors the following
questions:

- (a) "Do you favour the abolition of the board of control
to establish the council-manager form of govern-
ment?"
- (b) "Do you favour the abolition of the ward system?"
- (c) "Do you favour keeping the present council system
with the appointment of a business administrator?"

and that the said questions were submitted to the electors
on the 3rd day of December, 1956, and a majority of the
electors voted in the affirmative on questions *a* and *c* and in
the negative on question *b*; and that the council is desirous
of carrying into effect the wishes of the electors; and whereas
the petitioner has prayed for special legislation to effect such
purpose and in respect of the several other matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 6 of *The City of Windsor (Amalgamation) Act*, 1935, c. 74,
1935, as re-enacted by section 2 of *The City of Windsor* 1935, c. 74,
s. 6 (1936,
c. 66, s. 2),
re-enacted
(*Amalgamation*) *Amendment Act*, 1936 and amended by section
1 of *The City of Windsor Act*, 1953, is repealed and the following
substituted therefor:

- 6.—(1) Notwithstanding the provisions of *The Municipal* Council
and its
composition
Act, the council of the new city shall be composed
of a mayor and ten aldermen.

How
elected

- (2) The mayor shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the five wards of the new city.

Term of
office

- (3) The mayor and aldermen shall be elected biennially and shall each hold office for a term of two years.

Application
of
R.S.O. 1950,
c. 243

- (4) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and to the members thereof.

Appointment
of City
Manager
authorized

2. The council of the Corporation is hereby authorized and empowered by by-law to appoint and employ a general administrative head, to be known as the "City Manager", who shall have such general control and management of the administration of the City's government and affairs and perform such duties as the council shall by by-law in that behalf define, limit and determine, and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.

Pension
by-laws
validated

3. By-law No. 726, validating the superannuation and benefit fund heretofore established for employees of the Corporation as heretofore amended and providing for the further amendment thereof, and By-law No. 742, amending the said by-law, set forth as Schedule A hereto, are hereby confirmed and declared to be legal, valid and binding from the dates of the passing of the by-laws.

Retirement
plan
validated

4. The retirement plan for the employees of The Metropolitan General Hospital, set forth as Schedule B hereto, is hereby validated and confirmed and declared to be and to have been legal, valid and binding on and after the 31st day of December, 1955.

Trust
agreement
validated

5. The agreement between The Metropolitan General Hospital and The Canada Trust Company bearing date the 31st day of December, 1955, set forth as Schedule C hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

1929, c. 127,
repealed

6. *The City of Windsor City Manager Act, 1929* is repealed.

Appoint-
ment
of com-
mittee
of trustees
for civic
auditorium

7. Notwithstanding any other Act, the council of the Corporation is authorized to pass by-laws placing the construction and management of a civic auditorium in the City of Windsor in the hands of a committee of trustees appointed by the

council and constituted in accordance with the trusts contained in the last will and testament and codicil thereto of the late Edmund Anderson Cleary of the City of Windsor which was proved and registered in the surrogate court of the County of Essex on the 19th day of July, 1955.

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the 1st day of January, 1959. Idem

9. This Act may be cited as *The City of Windsor Act, 1957*. Short title

SCHEDULE A

BY-LAW NUMBER 726

A by-law to validate the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and to provide for the further amendment thereof.

Passed the 6th day of July, 1948.

WHEREAS by By-law Number 156, passed the 5th day of July, 1938, and approved by the Department of Municipal Affairs on the 3rd day of August, 1938, the Council provided for the establishment and maintenance of a superannuation and benefit fund for employees of the Corporation by a pension plan dated April 6th, 1938, submitted by the Sun Life Assurance Company of Canada, as insurer, and the grant in the year 1938 and succeeding years of the annual sums necessary for the continuation of the said Fund;

AND WHEREAS by By-law Number 215, passed the 18th day of September, 1939, the Pensions Committee established under the authority of the said By-law Number 156 was given authority to administer the said Pension Plan and all amendments thereof approved from time to time by resolution of the Council;

AND WHEREAS amendments of the said original Pension Plan have been made from time to time, either by the said Insurer under the terms of the said Plan, or with the consent of the Corporation as expressed by resolution of its Council or by the City of Windsor Pensions Committee in the course of its administration of the same, and it is deemed desirable and expedient that the said Plan and all such amendments made up to and including the date hereof, and all the acts of the said Committee in its administration of the said Plan, be ratified, confirmed and authorized by by-law;

AND WHEREAS it is deemed expedient to authorize the further amendment of the said Pension Plan so as to provide for an increase of past service pension for employees who entered the Plan at its inauguration on July 1st, 1938 and further to provide a death benefit for all permanent employees (including those not covered for annuity benefits) of approximately one year's salary if death occurs prior to the age of sixty-five, reducing to one half the said amount when death occurs after the age of sixty-five, with the cost of such additional benefits divided between the Corporation and the employees, and an increase in the employees' contributions to cover their share of such cost;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That the group annuity contract between The Corporation of the City of Windsor and the Sun Life Assurance Company of Canada dated the 8th day of September, 1938, bearing Number 2621-G, including the following dated and numbered amendments, namely:

- Amendment No. 1 dated 26th October, 1938, effective July 15th, 1938, increasing contributions of new employees between ages 26 to 45 inclusive;
- Amendment No. 2 dated October 31st, 1938, effective July 1st, 1938, adding an omitted employee;
- Amendment No. 3 dated November 8th, 1939, effective July 1st, 1938, respecting proportions of premiums applicable to past and future service pensions respectively;
- Amendment No. 4 dated February 24th, 1940, effective September 4th, 1939, providing for protection of employees on active service;

Amendment No. 5 dated November 27th, 1947, effective July 1st, 1948, increasing rates of contributions by the employer for new employees pursuant to Provision 5 of the original Policy;

be and the same is hereby ratified and approved and declared to be legal and binding.

2. That all grants heretofore made by the Corporation, all contributions demanded and collected from employees of the Corporation and all premiums heretofore paid to the Insurer pursuant to the said contract and the said amendments, and all the acts of the City of Windsor Pensions Committee appointed under the authority of the said By-law 156, and their successors in office in the course of the administration of the said Plan and the said amendments, be and the same are hereby ratified and confirmed.

3. That the said Plan be further amended by the inclusion therein of the following additional benefits:

- (a) An increase on past service pension from three-quarters of one per cent to one per cent for the employees who entered the Plan at its inauguration;
- (b) A death benefit amounting to approximately one year's salary when death occurs prior to the age of sixty-five, reduced to one half the said amount when death occurs after age sixty-five, the said death benefits to cover all permanent employees, including those not now covered for annuity benefits because of age limitations, and that the above features be effective as of July 1st, 1948, and applicable only to those employees who have not reached the age of sixty-five on that date.

4. That every present and future employee of the Corporation included in any of the classifications under the said Plan as eligible for annuity benefits shall contribute to the said superannuation and benefit fund the monthly sums set out in the said Plan and the above recited amendments 1 to 5 thereof as applicable to the age, sex and salary classification of such employee, together with the following additional amounts in respect of the increased past service benefit and death benefit authorized by this by-law:

- (a) Employees covered as of June 30th, 1948, approximately one per cent of the average annual salary in their salary class, to be payable in twelve monthly instalments;
- (b) Employees covered on and after July 1st, 1948, approximately one and one half per cent of the average annual salary in their salary class to be payable in twelve monthly instalments.

5. That every present and future employee of the Corporation not eligible for annuity benefits under the said pension plan as amended who is under the age of sixty-five years as of July 1st, 1948, or who is under such age when subsequently permanently employed, be required to participate in and become covered by the group death benefit provision of the said Plan as authorized by this by-law to the fullest extent possible according to his salary classification and to contribute therefor a monthly premium amounting to seventy cents (70c) for each one thousand dollars (\$1,000.00) of such death benefit.

6. That the Corporation grant in the year 1948 and in each succeeding year such annual sums as may be necessary for the continuation and maintenance of the said pension plan, including the additional benefits authorized by this by-law, in excess of the employees' contributions hereinbefore referred to.

7. That Section 4 of By-law 156, passed the 5th day of July, 1938, and Section 2 of By-law 215, passed the 18th day of September, 1939, be and the same are hereby repealed insofar as they require the consent of the Ontario Municipal Board.

8. This by-law shall come into force on the day following the final passing thereof upon which it is approved by the Department of Municipal Affairs and when so approved shall not be amended or repealed without the approval of the said Department.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) W. STEWARD,
Acting Clerk.

First reading—July 6, 1948
Second Reading—July 6, 1948
Third Reading—July 6, 1948

BY-LAW NUMBER 742

A by-law to amend By-law 726 validating the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and providing for the further amendment thereof.

Passed the 2nd day of November, 1948.

WHEREAS it is deemed expedient to amend By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, so as to give effect to the said by-law from and after the First day of July, 1948;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That Section 8 of By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, be and the same is hereby repealed and the following substituted therefor:

8. This by-law shall be deemed to have come into force on the First day of July, 1948.

2. This by-law shall come into force and take effect on the day of final passing thereof.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) C. V. WATERS,
Clerk.

First Reading—November 2, 1948
Second Reading—November 2, 1948
Third Reading—November 2, 1948

SCHEDULE B

TEXT OF RETIREMENT PLAN FOR THE EMPLOYEES OF METROPOLITAN GENERAL HOSPITAL WINDSOR, ONTARIO

1. DEFINITIONS

In this Plan and in the Trust Agreement the following words and phrases shall have the following meanings respectively, unless a different meaning is specifically required by the context:

- (a) "Actuary" shall mean the Actuary or firm of Actuaries appointed by the Pension Committee with the approval of the Board for the purposes of the Plan. The Actuary or firm of Actuaries shall be or shall include a Fellow of a recognized actuarial body.
- (b) "Board" shall mean the Board of Governors of the Hospital.
- (c) "Continuous Service" shall mean unbroken employment with the Hospital and shall include:
 - (i) Periods of annual vacation granted by the Hospital.
 - (ii) The period between the date of leaving the Hospital immediately before joining the Armed Forces of Canada or its allies and the date of discharge from such Forces, provided that the employee has rendered three months service before joining the Armed Forces and provided that after discharge from the Armed Forces he has reported for work within the period of delay provided by law.
 - (iii) Temporary lay-offs with or without pay.
- (d) "Current Service" shall mean the period of continuous service rendered by the Member after the date of joining the Plan.
- (e) "Earnings" for service after joining the Plan shall mean actual earnings received from the Hospital including overtime. For the purposes of Past Service benefits, 1955 earnings will be calculated on the Member's annual rate of earnings as of September 30, 1955.
- (f) "Employee" shall mean any full-time employee of the Hospital who is engaged on a permanent basis.
- (g) "Hospital" shall mean the Metropolitan General Hospital, Windsor, Ontario.
- (h) "Member" shall mean any person who has joined the Plan and who continues to be entitled to benefits or rights thereunder.
- (i) "Past Service" shall mean the period of Continuous Service rendered by the Member prior to the Effective Date of the Plan.
- (j) "Pension Committee" shall mean the Committee appointed by the Board for the purpose of administering the Plan in accordance with the provisions thereof.
- (k) "Pension Trust Fund" shall mean the assets for the time being in the hands of the Trustee under the Trust Agreement.
- (l) "Plan" shall mean this Pension Plan for the Employees of the Hospital.
- (m) "Trust Agreement" shall mean the Trust Agreement between the Hospital and the Trustee, dated as of 31 December, 1955, and as amended from time to time.

- (m) "Trustee" shall mean the corporate trustee appointed from time to time under the Trust Agreement.
- (n) "3% Interest per annum compounded annually" with regard to contributions shall mean that interest shall be compounded annually from the end of the calendar year in which the contribution is made, at the rate of three per cent per annum.
- (p) Words importing the masculine gender shall include the feminine gender where the context so admits. Words importing the singular number may be construed to extend to and include the plural number, and every word importing the plural number may be construed to extend to and include the singular number.

2. EFFECTIVE DATE

The Effective Date of the Plan shall be December 31, 1955.

3. PENSION TRUST FUND

All contributions of the Members and the Hospital will be paid into the Pension Trust Fund. The Pension Trust Fund will be administered by the Trustee in accordance with the terms of the Trust Agreement.

A copy of the Trust Agreement may be examined by a Member at any reasonable time at the office of the Hospital.

All benefits under the Plan will be paid out of the Pension Trust Fund.

4. ADMINISTRATION OF THE PLAN

The Pension Committee shall conclusively determine all questions relating to service, eligibility and Employees' early and postponed retirements for the purposes of the Plan, and shall decide all matters relating to the administration, interpretation, or application of the Plan consistently, however, with the Trust Agreement and with the approval of the Board.

Any of the foregoing and any other matters relating to the Plan or relating to the functions and constitution of the Pension Committee may be embodied in rules and regulations, (which may be amended by the Board from time to time) governing details of the administration of the Plan.

5. ELIGIBILITY

(a) *Employees Eligible on December 31, 1955:*

Each Employee in the service of the Hospital on December 31, 1955, is eligible to join the Plan, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) entered the service of the Hospital before reaching age 56.

Each Employee eligible on the Effective Date may join the Plan as of the Effective Date provided he joins within 30 days after that date or such extended date as the Pension Committee may approve.

Any Employee eligible on the Effective Date who fails to join the Plan within 30 days after the Effective Date, or such extended date as the Pension Committee may approve, may join as of any following April 1, July 1, October 1, or January 1, but he shall not be eligible for any Past Service benefits under the Plan.

(b) *Employees Eligible After December 31, 1955:*

Any other Employee will become eligible and may join the Plan as of any April 1, July 1, October 1, or January 1, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) has not reached age 56.

Any male Employee entering the service of the Hospital after December 31, 1955, *must* join the Plan upon completion of the eligibility requirements.

(c) *General:*

If a Member's employment is terminated and he is thereafter re-employed, he shall, upon such re-employment, be considered a new Employee for all purposes of the Plan. Any previously vested rights of such Employee will, however, remain to his credit unless he has exercised his option under Section 11 (b).

Nothing in this Plan shall in any way restrict the right of the Hospital to determine the employment of any Member.

To become a Member the eligible Employee must sign the prescribed enrolment forms and deliver such forms to the Hospital.

6. NORMAL RETIREMENT

The normal retirement date for a Member of the Plan will be the first day of the month coincident with or immediately following the date on which he reaches age 65.

A Member who has reached age 65 or over on the Effective Date will be eligible to retire immediately.

7. EARLY RETIREMENT

If a Member who has reached age 55 or over and who has completed at least 15 years of service with the Hospital shall be obliged to retire from the employment of the Hospital on account of disability, or other special circumstances, with the consent of the Hospital, he shall be entitled to receive from the date of such early retirement a pension based upon the normal pension credits which he had accumulated up to his date of early retirement but reduced in the following manner:

Number of Years between Early and Normal Retirement Dates	Percentage by which Accumulated Normal Pension is Reduced
1 year	3%
2 years	6%
3 years	9%
4 years	12%
5 years	15%
6 years	18%
7 years	21%
8 years	24%
9 years	27%
10 years	30%

The expression "disability" shall mean disability as a result of an injury or disease which seems likely to be permanent and which prevents the Employee from performing any work with the Hospital. The decision of the Pension Committee as to whether a Member is or is not obliged to retire on account of disability shall be final and conclusive. For the purpose of enabling the Pension Committee to arrive at any decision under this provision, the Member shall furnish to the Pension Committee all such information and shall submit to such medical examination as the Pension Committee may, from time to time, require.

8. POSTPONED RETIREMENT

With the consent of the Hospital a Member may remain in active service with the Hospital beyond his normal retirement date. His contributions will then continue until his postponed retirement date and his pension credits will accumulate up to the date of such postponed retirement.

9. CONTRIBUTIONS

(a) *Required Contributions by the Members:*

Each Member shall contribute 5% of his earnings by payroll deduction, towards his Current Service pension.

(b) *Contributions by the Hospital:*

In addition to contributing the full cost of providing the Past Service pensions, the Hospital shall also contribute such amounts as, when added to the Members' contributions, will provide the Current Service pensions.

(c) *Additional Voluntary Contributions by the Members:*

For the purpose of increasing the amount of pension to which he will be entitled upon retirement, a Member shall have the option of contributing additional amounts over and above that required as a Current Service contribution. Such additional voluntary contributions shall be credited at the rate of interest earned by the Fund each year, as determined by the Pension Committee, and shall be used to provide an additional amount of pension calculated in accordance with the actuarial tables in force at retirement. Such additional voluntary contributions shall be limited as follows:

(i) *Current Service:*

In addition to the required contributions for Current Service each Member may contribute by payroll deduction either an additional 1% or an additional 2% of his total earnings in respect of service after joining the Plan.

However, such additional contributions, together with his required Current Service contributions may not exceed a total of \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

(ii) *Past Service:*

In addition to the above contributions each Member may contribute, in respect of service with the Hospital before joining the Plan, an amount which shall not exceed 5% of the total of his earnings prior to December 31, 1955, received from and determined by the Hospital. Such contributions in respect of Past Service may be made at a rate not exceeding \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

10. AMOUNT OF PENSION

(a) *Past Service Pension:*

The Hospital intends, within its resources, to make such payments as may be required to provide an annual pension for Past Service for each Employee who is eligible and who joins the Plan as of

the Effective Date. Such annual pension for Past Service shall commence at normal or postponed retirement date, whichever shall be later, and shall amount to 1% of his 1955 earnings for each full year of continuous service from age 25 up to December 31, 1955 or from a Member's date of employment to December 31, 1955, less 2 years, whichever period is the shorter, subject to the reduction provided in paragraph (c) below.

Fractional parts of a year shall provide a proportionate amount of a full year's pension.

(b) *Current Service Pension:*

For service with the Hospital after joining the Plan, each Member will receive an annual pension commencing at normal or postponed retirement date of 2% of earnings on which he has made contributions, subject to the reduction provided in paragraph (c) below.

(c) *Reduction by the Amount of Pension Payable under The Old Age Security Act (1951):*

The total amount of monthly pension payable under paragraphs (a) and (b) above shall be reduced by \$40 a month commencing with the second monthly payment falling due after the retired Member's 70th birthday.

Notwithstanding the above reduction, in any case where the amount of pension payable after age 70 is less than \$10 per month, the Member shall be entitled to receive in a lump sum payment either:

- (i) the commuted value of the amount of pension to be paid after age 70, or
- (ii) an amount equal to his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement less the total pension payments he has received up to age 70, if any;

whichever amount shall be the greater.

11. TERMINATION OF EMPLOYMENT

If a Member's employment with the Hospital is terminated his membership in the Plan will cease and he will receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

If at the date of termination, however, the Member has completed 20 or more years of continuous service he may elect either:

- (a) to leave his contributions in the Pension Trust Fund and receive at his normal retirement date the Past Service pension and Current Service pension accrued to his credit up to the date of termination, or
- (b) to receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

12. BENEFITS ON DEATH

(a) *In the Service of the Hospital:*

If a Member should die in the service of the Hospital before retirement date his Estate will receive a refund of all the deceased Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(b) After Termination of Employment:

If a Member, upon termination of employment and as provided in Section 11, has elected to leave his contributions in the Pension Trust Fund and if his death occurs before he reaches normal retirement date, his Estate will receive a refund of the Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(c) Death After Retirement:

Should a Member's death occur after he has retired but before he has received 60 monthly pension cheques the remainder of the 60 payments which have not been made will continue to be payable to his Estate unless one of the alternative optional types of pension as provided in Section 13 has been elected.

In the event that the total payments made to the Member and his Estate are less than his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement, the difference will be paid to his Estate at the time of the last monthly pension cheque payable in accordance with the previous paragraph.

13. OPTIONAL TYPES OF PENSION

At any time before his normal retirement date, a Member who is married may, by notice in writing to the Pension Committee, elect one of the following Joint and Survivorship types of pension:

- (a) Joint and Survivorship pension which shall be reduced after the death of the Member to two-thirds the monthly amount that will be received by the Member prior to the date of his death;
- (b) Joint and Survivorship pension which shall be reduced after the death of the Member to one-half the monthly amount that will be received by the Member prior to the date of his death.

Should a Member elect one of the Joint and Survivorship types of pension, such Member will receive a reduced pension which shall be the actuarial equivalent of his normal pension. After the death of the Member, his widow, if living, will be eligible to receive two-thirds or one-half of the reduced amount, depending on the type elected for the widow's entire lifetime.

In the case of the death of a Member's wife before the Member retires under the Plan, the pension will become payable at the retirement date of the Member as if the option had not been elected.

In the event that a Member dies while in the service of the Hospital, after his normal retirement date but before his postponed retirement date, he shall be considered to have been retired on the first day of the month coincident with or immediately prior to his death. Should the Member have elected one of the Joint and Survivorship optional types of pension, payment of such pension shall be in accordance with the option selected.

The Pension Committee may from time to time adopt or establish other types of pension options consistent with legislation affecting the Plan.

14. METHOD OF PAYMENT OF PENSIONS

For the purposes of the Plan, retirement dates of Members will always occur on the first day of the month.

The Member's first pension cheque will be payable on his retirement date and a cheque for the same amount, except as provided herein, will be issued monthly thereafter to the retired Member up to and including the cheque payable immediately prior to his death.

15. ASSIGNMENT OF BENEFITS

The assignment of any benefits under the Plan, other than by election of a Joint and Survivorship option under the Plan, shall not be permitted.

16. PROOF OF AGE

No payment of pension will be made to any Member until satisfactory proof of age of the Member has been furnished. Should a Member elect a type of Joint and Survivorship pension, proof of age of his wife must also be furnished.

17. CHANGE, SUSPENSION OR DISCONTINUANCE OF PLAN

While it is the intention and hope of the Hospital to make contributions regularly and build up a reserve fund sufficient to provide all of the benefits contemplated under the Plan, the Hospital does not assume a contractual obligation to continue its contributions. It must necessarily reserve the right to change, modify, suspend or discontinue the Plan, or reduce its contributions, if in the future it should be unable to continue them in full.

If any social security or pension benefits should be created in favour of the Members of the Plan, by means of legislation under which the Hospital would be required to make contributions to or for the benefit of such Members, either directly or indirectly, through taxation or otherwise, the Hospital may, with respect to such Members, either discontinue the Plan or make such modifications as the Hospital considers equitable, without limiting the general rights reserved to the Hospital above.

However, all contributions made by the Hospital are irrevocable and, together with all contributions made by Members, may only be used exclusively for the benefit of Members, retired Members, their Estates and contingent annuitants. No change or modification will affect any rights which such persons may then have with respect to the terms of payment of, or the amount of pension which the contributions made by the Member and/or the Hospital prior to the Effective Date of such change or modification will provide.

If it ever should be necessary to discontinue the Plan, contributions made by the Hospital cannot be withdrawn but must remain in the Pension Trust Fund. In such event the Pension Trust Fund shall be distributed among the Members and retired Members and their Estates and contingent annuitants in an equitable manner determined by the Pension Committee in consultation with the Actuary and the Board, or, if the Hospital shall have been wound up or have become bankrupt, by the liquidator or trustee in bankruptcy of the Hospital as the case may be. No liability shall attach to the Pension Committee or any person thereon or the Board or the Hospital or the liquidator or the trustee in bankruptcy in connection with the distribution if made in all sincerity and good faith.

18. APPROVAL BY ALL REGULATORY BODIES

This Plan is being established subject to initial and continuing approval of the Plan by all interested regulatory and taxing authorities. The Hospital shall promptly submit the Pension Plan to the appropriate departments of the Governments of the Dominion of Canada and the Province of Ontario to obtain their initial approval. If such initial approval is refused, the Hospital at its discretion may either discontinue the Plan and return to all Members an amount equal to all of their contributions or modify the terms of the Plan so as to secure approval of the Plan by all regulatory bodies.

SCHEDULE C

THIS AGREEMENT executed as of the 31st day of December, 1955.

BETWEEN:

METROPOLITAN GENERAL HOSPITAL, situated in the City of Windsor, in the County of Essex in the Province of Ontario (hereinafter referred to as the "Hospital"),

OF THE FIRST PART,

—and—

THE CANADA TRUST COMPANY, a Company incorporated under the laws of Canada and licensed to do business in the Province of Ontario (hereinafter referred to as the "Trustee"),

OF THE SECOND PART.

WITNESSETH:

WHEREAS the Hospital has established a Retirement Plan (hereinafter referred to as the "Plan") in which are provided benefits for certain of its employees and for the beneficiaries or personal representatives of deceased employees who die after the effective date of the Plan; and

WHEREAS a Pension Committee (hereinafter referred to as the "Committee") has been appointed under the Plan to administer the Plan subject to the terms and provisions of the said Plan and of this Agreement; and

WHEREAS it is deemed desirable that funds irrevocably contributed for the payment of benefits under the Plan be segregated and held in trust in a Trust Fund (hereinafter referred to as the "Fund") for the exclusive benefit of such employees or their beneficiaries or personal representatives as shall from time to time be included under the Plan; and

WHEREAS the Hospital desires the Trustee to hold and administer the Fund and the Trustee is willing to hold and administer the same pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the Hospital and the Trustee do hereby covenant and agree as follows:

First: The Trustee shall receive any contributions paid to it in cash or other property acceptable to it. All contributions so received together with the income therefrom shall be held, managed and administered pursuant to the terms of this Agreement. The Trustee shall not be responsible for the collection of any funds required by the Plan to be paid to the Trustee.

Second: Subject to the provisions of Article Third hereof, the Trustee shall from time to time on the written directions of the Committee make payments out of the Fund, without distinction for principal or interest, to such persons including the Committee or any member thereof, in such manner, in such amounts and for such purposes as may be specified in the written directions of the Committee and upon any such payment being made, the amount thereof shall no longer constitute a part of the Fund.

The Trustee shall be under no liability for any payment made by it pursuant to the direction of the Committee and shall not be under the duty of making inquiries with respect to whether any payment directed by the Committee is made in pursuance of the provisions of the Plan.

Third: Anything contained in this Agreement to the contrary notwithstanding, it shall be impossible for any part of the Fund (other

than such part as is required to pay taxes, the Trustee's compensation and disbursements, and such other expenses that may be incurred in the administration of the Plan) to be used for, or diverted to, purposes other than for the exclusive benefit of the employee members of the Plan or their beneficiaries.

Fourth: The Trustee shall have the following powers and authority in the administration of the Fund to be exercised as provided in Article Fifth hereof.

- (a) With any cash at any time held by it to purchase or subscribe for any securities, mortgages or other property and to retain in trust such securities or other property.
- (b) To sell for cash, or on credit, convert, redeem, transfer, exchange for other securities or other property, or otherwise dispose of any securities, mortgages or other property at any time held by it by private contract or at public auction and to receive the consideration price and grant discharge therefor.
- (c) To settle, compromise or submit to arbitration, any claims, debts or damages, due or owing to or from the Fund, to commence or defend suits or legal proceedings and to represent the Fund in all suits or legal proceedings in connection with the Fund, provided, however, that the Trustee shall not be obligated or required to do so unless it has been indemnified.
- (d) To exercise or not exercise any conversion privileges and/or subscription rights available in connection with any securities or other property at any time held by it and to make any payments incidental thereto; to consent or withhold consent to the reorganization, consolidation, merger or readjustment of the finances of any corporation, company or association or to the selling, mortgaging, pledging or leasing of the property of any corporation, company or association, any of the securities of which may at any time be held by it and to do any act with reference thereto, including the exercise of options, making of agreements or subscriptions which may be deemed necessary or advisable in connection therewith, and to hold and retain any securities or other property which it may so acquire.
- (e) To vote upon any stocks, bonds or other securities and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other securities held in the Fund; provided that the Committee may at any time give written instructions to the Trustee as to the manner in which it shall vote the shares held by it on behalf of the Fund and the Trustee will vote the said shares in accordance with the said directions.
- (f) To renew or extend or participate in the renewal or extension of any mortgage, upon such terms as may be deemed advisable, and to agree to a reduction in the rate of interest on any mortgage or to any other modification or change in the terms of any mortgage or of any guarantee pertaining thereto, in any manner and to any extent that may be deemed advisable for the protection of the Fund or the preservation of the value of the investment, to waive any default whether in the performance of any covenant or condition of any mortgage or in the performance of any guarantee or to enforce any such default in such manner and to such extent as may be deemed advisable; to exercise and enforce any and all rights of foreclosure, to bid in property on foreclosure, to take a deed in lieu of foreclosure with or without paying a consideration therefor and in connection therewith to release the obligation on the bond secured by such mortgage and to exercise and enforce in any action, suit or proceeding at law or in equity any rights or remedies in respect to any such mortgage or guarantee.
- (g) To hold part or all of the Fund uninvested as deemed necessary and on such amounts so held shall pay interest computed in the Trustee's usual manner at the rate from time to time allowed by it on moneys on deposit.

- h. To employ suitable agents and counsel who may be counsel for the Hospital and to pay their reasonable expenses and compensation.
- i. To register any securities held by it hereunder in its own name or in the name of a nominee with or without the addition of words indicating that such securities are held in a fiduciary capacity and to hold any securities in bearer form.
- j. To make, execute, acknowledge and deliver, as Trustee, any and all deeds, leases, mortgages, conveyances, contracts, waivers, releases or other instruments in writing necessary or proper for the accomplishment of any of the foregoing powers.
- k. The Trustee may from time to time consult with counsel who may be counsel for the Hospital, and shall be fully protected in acting upon the advice of counsel. Whenever the occasion shall arise for the employment of legal solicitors or counsel pursuant to any provision of the Agreement, the Trustee shall so intimate to the Committee and the Committee shall intimate to the Trustee the solicitors and counsel to be retained from time to time.
- l. The Trustee shall not be liable for the making, retention or sale of any investment or re-investment made by it as herein provided or for the proper application of any part of the Fund if payments are made in accordance with the written directions of the Committee as herein provided, nor for any loss or diminution of the Fund, or its adequacy to meet and discharge any and all payments and liabilities under the Plan; except when such loss, diminution or inadequacy is due to the Trustee's own negligence or wilful misconduct. All persons dealing with the Trustee are released from enquiry into the decisions or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

Fifth: The powers listed in Article Fourth of this Agreement shall be exercised by the Trustee in its uncontrolled discretion except as therein otherwise provided.

Sixth: The Trustee shall, in its sole discretion, invest and reinvest the principal and income of the Fund, without distinction between principal and income, in investments which at the time of investment are authorized under the regulations established by the Minister of National Revenue, either before or after the execution of this Agreement, for approved or registered pension plans. The Trustee shall not be limited by the laws of any Province of Canada concerning investments by Trustees. Provided that in no event shall investments be made in the notes, stocks, bonds or other securities of the Company. The Trustee in its discretion may keep such portion of the Fund in cash balances as the Trustee may from time to time deem to be in the best interest of the Fund.

The Trustee shall have full power and authority to commingle all or any part of the Fund for investment with funds of other trusts in a pooled trust fund administered by it.

Seventh: The Trustee shall pay out of the Trust Fund all real and personal property taxes, income taxes and other taxes of any and all kinds levied or assessed under existing or future laws upon or in respect to the Trust Fund or any money, property or securities forming a part thereof.

The Trustee shall be paid such reasonable compensation as shall from time to time be agreed upon by the Hospital and the Trustee. Such compensation and the Trustee's disbursements shall be withdrawn by the Trustee out of the Fund, unless paid by the Hospital.

Notwithstanding the provisions of Article Second hereof all of such payments may be made without seeking the approval or instructions of the Committee but the Committee shall be advised of any such payment.

Eighth: The Trustee shall render annually within sixty (60) days after the anniversary date hereof, and within sixty (60) days after the removal or resignation of the Trustee, to the Committee in a form satisfactory to the Committee, a detailed account of its transactions in connection with the Fund during the twelve-month period ended on such anniversary, or during any shorter period ending with such removal or resignation of the Trustee, and the Committee may approve such accounts by an instrument in writing delivered to the Trustee. In the absence of the filing in writing with the Trustee by the Committee of exceptions or objections to any such account within sixty (60) days, the Committee shall be deemed to have approved such account; and in such case or upon the written approval of the Committee of any such account, the Trustee shall be released, relieved and discharged with respect to all matters and things set forth in such account as though such account had been settled by the decree of a court of competent jurisdiction.

No person other than the Board of Governors of the Hospital and/or the Committee may require an accounting or bring any action against the Trustee with respect to the said Fund and/or its actions as Trustee.

Ninth: The Trustee shall be fully protected in relying upon a certification of the Committee with respect to any instruction, direction or approval of the Committee; and also in relying upon a certification of the Board of Governors of the Hospital as to the membership of the Committee as it then exists and in continuing to rely upon such certification until a subsequent certification is filed with the Trustee.

The Trustee shall be fully protected in acting upon any instrument, certificate or paper, believed by it to be genuine and to be signed or presented by the proper person or persons, and the Trustee shall be under no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as conclusive evidence of the truth and accuracy of the statement therein contained.

The Trustee shall not be liable for the proper application of any part of the Fund, if payments are made in accordance with the written directions of the Committee as herein provided, nor shall the Trustee be responsible for the adequacy of the Fund to meet and discharge any and all payments and liabilities under the Plan. All persons dealing with the Trustee are released from inquiry into the decision or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

The Trustee shall not be liable hereunder except for its own negligence or wilful misconduct.

Tenth: Any action by the Hospital pursuant to any of the provisions of this Agreement shall be evidenced by a resolution of its Board of Governors certified to the Trustee by an officer of the Hospital and the Trustee shall be fully protected in acting in accordance with such resolution so certified to it.

Eleventh: Any action by the Committee pursuant to any of the provisions of this Agreement shall be evidenced by a certificate of the Committee purporting to be signed by two members thereof and the Trustee shall be fully protected in acting in accordance with such certificates so signed.

Twelfth: Any Trustee acting hereunder may resign at any time by giving sixty (60) days' written notice to the Hospital. The Hospital may remove any Trustee at any time by giving sixty (60) days' written notice and in the case of the resignation or removal of any Trustee the Hospital shall appoint a successor Trustee. Upon such removal or resignation of the Trustee the Hospital shall appoint a successor Trustee who shall have the same powers and duties as those conferred upon the Trustee hereunder and, upon acceptance of such appointment by the successor Trustee, the Trustee shall assign, transfer and pay over to such successor Trustee the funds and properties then constituting the Fund. The Trustee is authorized, however, to reserve such sum or money as may

be necessary for payment of its fees and expenses in connection with the settlement of its account or otherwise, and any balance of such reserve remaining after the payment of such fees and expenses shall be paid over to the successor Trustee.

Thirteenth: Any Company or corporation into which the Trustee may merge or with which it may be consolidated or any company or corporation resulting from any merger or consolidation to which the Trustee may be a party shall be the successor of the Trustee hereunder, without the execution or filing of any additional instrument or the performance of any further act.

Fourteenth: Subject to the provisions of Article Third hereof, this Agreement may be amended or modified at any time by the Hospital provided that no amendment or modification shall increase the duties or obligations or change the compensation of the Trustee hereunder without its consent. Any such amendment or modification shall be by a written instrument which shall be delivered to the Trustee.

Fifteenth: This Trust and Agreement may be terminated at any time by the Hospital and upon the termination of the Fund and Agreement or upon the dissolution or liquidation of the Hospital the Fund shall be paid out by the Trustee as directed by the Committee subject to the provisions of Article Third hereof.

The Trust shall terminate in the event of dissolution, merger or consolidation of the Hospital, or the sale or other disposition of substantially all its assets, unless within one hundred eighty (180) days thereafter provision is made by the successor for continuing the Fund; and in that event such successor shall be substituted for the Hospital hereunder. The Fund may be terminated at any time by the Hospital by resolution of its Board of Governors. The Trustees or Trustee then acting may order and direct that the Fund be terminated in the event the Hospital shall be adjudicated a bankrupt or shall be placed in receivership.

Sixteenth: The Trustee hereby accepts this Trust and agrees to hold all the property now or hereafter constituting the Fund hereunder, subject to all the terms and conditions of this Agreement. The duties and obligations of the Trustee shall be determined solely by the express provisions hereof.

Seventeenth: Notwithstanding anything contained elsewhere in this Agreement, if any interested regulatory body of either the Province of Ontario or the Dominion of Canada shall refuse or fail to approve the Plan, then and in such case these presents shall cease and the Hospital shall be under no further obligation hereunder or under the Plan, and all cash, securities and other property then constituting the Fund, less any amounts constituting charges against the Fund, shall be paid or delivered by the Trustee to the Committee, or in accordance with its order, in trust for the persons beneficially entitled thereto as set forth in the Plan, and upon so doing the Trustee shall be forever discharged from its obligations and liabilities under this Agreement; it being the clear intent and purpose of these presents that the Plan shall be acceptable to and approved by all interested regulatory bodies and that if the same shall not be approved then none of the parties to this Agreement and none of the parties to the Plan shall be obliged in any way under the provisions of this Agreement or the Plan.

Eighteenth: The Trustee may from time to time make such arrangements as may be deemed proper for the care, management and safekeeping of the securities and investments held as part of the Fund.

Nineteenth: If any part of this Agreement shall be found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof but such part shall be fully separable and the Agreement shall be construed and enforced as if such invalid or unenforceable matter had never been inserted herein.

Twentieth: This Agreement shall be binding upon the parties and upon their successor and assigns.

Twenty-First: This Agreement shall be construed and enforced according to the laws of the Province of Ontario and all provisions hereof shall be administered according to the laws of the said Province.

IN WITNESS WHEREOF the parties have caused these presents to be signed by their duly authorized officers and their corporate seals to be hereunder affixed the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

(Seal)

(Seal)

METROPOLITAN GENERAL HOSPITAL

W. L. MCGREGOR,

R. BUCKNER.

THE CANADA TRUST COMPANY

E. T. LINNELL,
Manager.

H. A. HEINE,
Assistant Manager.



An Act respecting
the City of Windsor*1st Reading*

February 14th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 29th, 1957

MR. DAVIES

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Municipality of Neebing

MR. WARDROPE

(PRIVATE BILL)



BILL

An Act respecting the Municipality of Neebing

WHEREAS The Corporation of the Municipality of Neebing by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipality of Neebing Act, 1952* is amended by adding thereto the following subsection:

1952, c. 126,
s. 1,
amended

- (2) When preparing the annual estimates of revenues and expenditures, a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward, then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Separate
estimates
and rates
for each
ward

Confirmation
of tax sales

2.—(1) All sales of land held prior to the 1st day of January, 1956, in the Municipality of Neebing, and purporting to have been made for arrears of taxes payable to The Corporation of the Municipality of Neebing or to a school board thereof with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

R.S.O. 1950
c. 24

Application
of subs. 1

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or before the 1st day of January, 1956, only where the treasurer has complied with subsection 2 of section 177 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Declaration
to be part
of deed

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Pending
actions
preserved

(4) This section shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been passed.

Rights of
Crown
preserved

(5) This section shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes or against which, or any interest in which, a tax arrears certificate has been registered.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Municipality of Neebing Act, 1957*.

BILL

An Act respecting
the Municipality of Neebing

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Municipality of Neebing

MR. WARDROPE



BILL

An Act respecting the Municipality of Neebing

WHEREAS The Corporation of the Municipality of Neebing by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipality of Neebing Act, 1952* is amended by adding thereto the following subsection:

1952, c. 126,
s. 1,
amended

- (2) When preparing the annual estimates of revenues and expenditures, a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward, then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Separate
estimates
and rates
for each
ward

Confirmation
of tax sales

2.—(1) All sales of land held prior to the 1st day of January, 1956, in the Municipality of Neebing, and purporting to have been made for arrears of taxes payable to The Corporation of the Municipality of Neebing or to a school board thereof with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

R.S.O. 1950,
c. 24

Application
of subs. 1

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or before the 1st day of January, 1956, only where the treasurer has complied with subsection 2 of section 177 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Declaration
to be part
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(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Pending
actions
preserved

(4) This section shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been passed.

Rights of
Crown
preserved

(5) This section shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes or against which, or any interest in which, a tax arrears certificate has been registered.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Municipality of Neebing Act, 1957*.



An Act respecting
the Municipality of Neebing

1st Reading

February 12th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. WARDROPE

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of Grantham

MR. JOLLEY

(PRIVATE BILL)

BILL

An Act respecting the Township of Grantham

WHEREAS The Corporation of the Township of Preamble
Grantham by its petition has represented that the
council of the Township has constructed the sewers described
in the Schedules hereto as local improvements, and has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 1702, passed by the council of The Cor- By-law confirmed
poration of the Township of Grantham on the 18th day of
December, 1956, set forth as Schedule A hereto, is hereby
confirmed and declared to be legal, valid and binding upon
the Corporation and the ratepayers thereof.

2. By-law No. 1703, passed by the council of The Cor- Debenture by-law confirmed
poration of the Township of Grantham on the 18th day of
December, 1956, set forth as Schedule B hereto, authorizing
the issue of debentures of the Corporation in the principal
amount of \$5,890.40 to pay the cost of constructing the
sewers, including private drain connections, is hereby con-
firmed and declared to be legal, valid and binding upon the
Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal* Application of R.S.O. 1950, c. 262
Board Act shall apply in respect of By-law No. 1702 and
By-law No. 1703 and the debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The Township of Grantham* Short title
Act, 1957.

SCHEDULE A

TOWNSHIP OF GRANTHAM

BY-LAW No. 1702

A By-law to authorize the construction of sewers on parts of Rockwood Road, Park Avenue and Admiral Road, to serve the Gordon Emmett Plan No. 285.

WHEREAS By-law No. 1422 authorized the construction of the Niagara Gardens-Hartzel Road Sewer System; and

WHEREAS the hereinafter described work was constructed although not included in the work authorized by the said By-law; and

WHEREAS the Council has caused a supplementary report to be made by Philips & Roberts, its Consulting Engineers herein, which report describes the said work and amends the original report; and

WHEREAS By-law No. 1422 provided that the cost of the work, including that which would otherwise be the Corporation's portion, be assessed as to part thereof, on the lots fronting or abutting on the said work, at a special annual rate per foot frontage as \$0.35 per foot frontage and the balance of the cost by a mill rate on all the rateable property in the Area; and

WHEREAS for the purposes of the said mill rate, the Area defined therein was extended, with the approval of the Ontario Municipal Board, by By-law No. 1660, to include the Gordon Emmett Plan Subdivision, a plan whereof is registered in the Registry Office for the Registry Division of the County of Lincoln as Number 285; and

WHEREAS the report further recommended that private drain connections be constructed, as required, from the sewer to the street line; and

WHEREAS the Council has adopted the supplementary report; and

WHEREAS the Department of Health of Ontario has approved the said work as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956; and

WHEREAS the cost of the said sewers was \$4,765.28 and the cost of the private drain connections was \$1,125.12, a total of \$5,890.40.

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That the construction of an eight inch (8") sewer on Rockwood Road from the end of the street at a point 472 feet easterly of Park Avenue, westerly to Park Avenue; on Park Avenue from Rockwood Road to Admiral Road; and on Admiral Road from Park Avenue westerly to a point 150 feet easterly of Millbank Street, as a local improvement under the provisions of *The Local Improvement Act*.

2. That the cost of the said sewers, including that which would otherwise be the Corporation's portion, be assessed, as to part thereof, at an annual rate per foot frontage of \$0.35 per foot frontage, applicable to those properties fronting and abutting on the work, and the balance of the said cost shall be assessed by a mill rate on all the rateable property in the Niagara Gardens-Hartzel Road Sewer System Area.

3. That the cost of the private drain connections, where constructed, shall be assessed by a special rate per foot frontage, pursuant to the provisions of Section 4 of *The Local Improvement Act*, for each particular lot.

4. That the special assessments to be made in respect of the said work shall be made in fifteen annual instalments over a period of fifteen years.

5. That this By-law shall take effect when confirmed by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Reeve.

HAROLD J. COVE,
Clerk.

SCHEDULE B

TOWNSHIP OF GRANTHAM

BY-LAW No. 1703

A By-law to provide for borrowing \$5,890.40, upon debentures, to pay for the construction of sanitary sewers, to serve the Gordon Emmett Plan No. 285, in the Niagara Gardens-Hartzel Road Sewer System Area.

WHEREAS pursuant to Construction By-law No. 1422, a sanitary sewer system was constructed in the Niagara Gardens-Hartzel Road Sewer System Area, and pursuant to Construction By-law No. 1702, eight inch (8") sewers, to connect therewith, were constructed on parts of Rockwood Road, Park Avenue and Admiral Road, as shown in Schedule A attached hereto, under the provisions of *The Local Improvement Act*; and

WHEREAS the estimated lifetime of the said work is sixteen years; and

WHEREAS the total cost of the said work (after deducting the sum paid by way of commutation of special rates, if any) and for which a special assessment roll has been duly made and certified is \$5,890.40; and

WHEREAS it is necessary to borrow the sum of \$5,890.40 upon the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum and the said sum of \$5,890.40 and interest, at the rate aforesaid, is the amount of the debt intended to be created by this By-law; and

WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of fifteen years of such amounts, respectively, that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years; and

WHEREAS the whole rateable property of the municipality, according to the last revised assessment roll, is \$32,665,315.00; and

WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement and other debts which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$2,904,821.23, and no part of the principal or interest thereon is in arrear; and

WHEREAS the Department of Health has approved the construction of the said sewer as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956.

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$5,890.40 and debentures shall be issued therefor in sums of not less than \$50.00 each bearing interest at the rate of $4\frac{1}{2}\%$ per annum and having coupons attached thereto for the payment of interest annually.

2. That the debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and shall be payable in fifteen equal annual instalments during the fifteen years next after the time when the same are issued and the respective amounts of principal and interest payable in each of the said years shall be as shown in Schedule B attached hereto.

3. That the debentures, both as to principal and interest, shall be expressed in Canadian currency and shall be payable at the King and Queen Street Branch of the Imperial Bank of Canada in the City of St. Catharines, at the Head Office of the said Bank in the City of Toronto and at the principal office of the said Bank in the City of Montreal.

4. That the Reeve of the Corporation shall sign and issue the debentures and the debentures and interest coupons shall be signed by the Treasurer and the debentures shall be sealed with the seal of the Corporation and the signature of the Treasurer upon the coupons may be written, stamped, lithographed or engraved.

5. That during the fifteen years, the currency of the debentures, the sum shown in column 3, Schedule B, shall be raised annually for the payment of the debt, being the owners' portion of the frontage rate of \$0.35 per foot frontage, and interest thereon, and the special assessments set forth in the said special assessment roll are hereby imposed upon the lands thereof, as therein set forth, which said special assessments, with a sum sufficient to cover the interest thereon, at the rate aforesaid, shall be payable in the said fifteen annual instalments and for that purpose the annual rate per foot frontage of \$0.35 is hereby imposed upon each lot in the Gordon Emmett Plan No. 285 entered in the said special assessment roll, according to the assessed frontage thereof, and said special rates so imposed as aforesaid shall be over and above all other rates and taxes and shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. That the debentures may contain any clause, providing for the registration thereof, authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

7. That if at any time the owner of any of the lands hereby assessed in respect of the said work shall desire to commute the assessment imposed thereon by payment of the principal sum in lieu thereof, he may so commute by payment to the Treasurer of such sum as, with interest at the rate of 2% per annum, will be required to provide at the maturity of the said debentures a sum equivalent to the then uncollected amounts of the said assessment.

8. That this By-law shall not take effect until the By-law has been confirmed and declared to be legally valid and binding upon the Corporation and the ratepayers by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Reeve.

HAROLD J. COVE,
Clerk.

Schedule "A"

In this Schedule the letter "n", "s", "e", "w", or "b", indicates that the Sewers are laid, and are to be assessed against the properties on the north, south, east or west, or both sides of the streets respectively.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Con- struction By Law No.	STREET	FROM	TO	Character of Work	Life Time. Years	Total Cost being the amount of Debt Issue	Corporation's Portion of Cost	Owner's Portion of Cost	Currency of Debt Years	Corporation's Portion of Annual Rate	Owner's Portion of Annual Rate	Total Annual Rate for Debt and Interest	Total Assessable Frontage Feet	Annual Rate per Foot Frontage
1702	Rockwood Rd.	472' easterly on Park Ave.	Park Ave.	8" sanitary sewer	16	\$5,890.40	Nil	\$5,890.40	15	Nil			472 ft.	\$0.35
	Park Ave. Admiral Rd.	Rockwood Rd. Park Ave.	Admiral Rd. Millbank	" "									167 ft. 368 ft.	

Schedule "B"

	Principal	Interest	Annual Payment
1.	\$ 283.41	\$ 265.07	\$ 548.48
2.	296.17	252.31	548.48
3.	309.49	238.99	548.48
4.	323.42	225.06	548.48
5.	337.97	210.51	548.48
6.	353.18	195.30	548.48
7.	369.08	179.40	548.48
8.	385.68	162.80	548.48
9.	403.04	145.44	548.48
10.	421.18	127.30	548.48
11.	440.13	108.35	548.48
12.	459.94	88.54	548.48
13.	480.63	67.85	548.48
14.	502.26	46.22	548.48
15.	524.82	23.66	548.48
	<hr/>	<hr/>	<hr/>
	\$5,890.40	\$2,336.80	\$8,227.20

BILL

An Act respecting the
Township of Grantham

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Township of Grantham

MR. JOLLEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 33

1957

BILL

An Act respecting the Township of Grantham

WHEREAS The Corporation of the Township of Grantham by its petition has represented that the council of the Township has constructed the sewers described in the Schedules hereto as local improvements, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1702, passed by the council of The Corporation of the Township of Grantham on the 18th day of December, 1956, set forth as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

2. By-law No. 1703, passed by the council of The Corporation of the Township of Grantham on the 18th day of December, 1956, set forth as Schedule B hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$5,890.40 to pay the cost of constructing the sewers, including private drain connections, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 1702 and By-law No. 1703 and the debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Assent.

5. This Act may be cited as *The Township of Grantham Act, 1957*.

SCHEDULE A

TOWNSHIP OF GRANTHAM

By-LAW No. 1702

A By-law to authorize the construction of sewers on parts of Rockwood Road, Park Avenue and Admiral Road, to serve the Gordon Emmett Plan No. 285.

WHEREAS By-law No. 1422 authorized the construction of the Niagara Gardens-Hartzel Road Sewer System; and

WHEREAS the hereinafter described work was constructed although not included in the work authorized by the said By-law; and

WHEREAS the Council has caused a supplementary report to be made by Philips & Roberts, its Consulting Engineers herein, which report describes the said work and amends the original report; and

WHEREAS By-law No. 1422 provided that the cost of the work, including that which would otherwise be the Corporation's portion, be assessed as to part thereof, on the lots fronting or abutting on the said work, at a special annual rate per foot frontage as \$0.35 per foot frontage and the balance of the cost by a mill rate on all the rateable property in the Area; and

WHEREAS for the purposes of the said mill rate, the Area defined therein was extended, with the approval of the Ontario Municipal Board, by By-law No. 1660, to include the Gordon Emmett Plan Subdivision, a plan whereof is registered in the Registry Office for the Registry Division of the County of Lincoln as Number 285; and

WHEREAS the report further recommended that private drain connections be constructed, as required, from the sewer to the street line; and

WHEREAS the Council has adopted the supplementary report; and

WHEREAS the Department of Health of Ontario has approved the said work as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956; and

WHEREAS the cost of the said sewers was \$4,765.28 and the cost of the private drain connections was \$1,125.12, a total of \$5,890.40.

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That the construction of an eight inch (8") sewer on Rockwood Road from the end of the street at a point 472 feet easterly of Park Avenue, westerly to Park Avenue; on Park Avenue from Rockwood Road to Admiral Road; and on Admiral Road from Park Avenue westerly to a point 150 feet easterly of Millbank Street, as a local improvement under the provisions of *The Local Improvement Act*.

2. That the cost of the said sewers, including that which would otherwise be the Corporation's portion, be assessed, as to part thereof, at an annual rate per foot frontage of \$0.35 per foot frontage, applicable to those properties fronting and abutting on the work, and the balance of the said cost shall be assessed by a mill rate on all the rateable property in the Niagara Gardens-Hartzel Road Sewer System Area.

3. That the cost of the private drain connections, where constructed, shall be assessed by a special rate per foot frontage, pursuant to the provisions of Section 4 of *The Local Improvement Act*, for each particular lot.

4. That the special assessments to be made in respect of the said work shall be made in fifteen annual instalments over a period of fifteen years.

5. That this By-law shall take effect when confirmed by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Recve.

HAROLD J. COVE,
Clerk.

SCHEDULE B

TOWNSHIP OF GRANTHAM

BY-LAW No. 1703

A By-law to provide for borrowing \$5,890.40, upon debentures, to pay for the construction of sanitary sewers, to serve the Gordon Emmett Plan No. 285, in the Niagara Gardens-Hartzel Road Sewer System Area.

WHEREAS pursuant to Construction By-law No. 1422, a sanitary sewer system was constructed in the Niagara Gardens-Hartzel Road Sewer System Area, and pursuant to Construction By-law No. 1702, eight inch (8") sewers, to connect therewith, were constructed on parts of Rockwood Road, Park Avenue and Admiral Road, as shown in Schedule A attached hereto, under the provisions of *The Local Improvement Act*; and

WHEREAS the estimated lifetime of the said work is sixteen years; and

WHEREAS the total cost of the said work (after deducting the sums paid by way of commutation of special rates, if any) and for which a special assessment roll has been duly made and certified is \$5,890.40; and

WHEREAS it is necessary to borrow the sum of \$5,890.40 upon the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum and the said sum of \$5,890.40 and interest, at the rate aforesaid, is the amount of the debt intended to be created by this By-law; and

WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of fifteen years of such amounts, respectively, that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years; and

WHEREAS the whole rateable property of the municipality, according to the last revised assessment roll, is \$32,665,315.00; and

WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement and other debts which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$2,904,821.23, and no part of the principal or interest thereon is in arrear; and

WHEREAS the Department of Health has approved the construction of the said sewer as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956.

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$5,890.40 and debentures shall be issued therefor in sums of not less than \$50.00 each bearing interest at the rate of 4½% per annum and having coupons attached thereto for the payment of interest annually.

2. That the debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and shall be payable in fifteen equal annual instalments during the fifteen years next after the time when the same are issued and the respective amounts of principal and interest payable in each of the said years shall be as shown in Schedule B attached hereto.

3. That the debentures, both as to principal and interest, shall be expressed in Canadian currency and shall be payable at the King and Queen Street Branch of the Imperial Bank of Canada in the City of St. Catharines, at the Head Office of the said Bank in the City of Toronto and at the principal office of the said Bank in the City of Montreal.

4. That the Reeve of the Corporation shall sign and issue the debentures and the debentures and interest coupons shall be signed by the Treasurer and the debentures shall be sealed with the seal of the Corporation and the signature of the Treasurer upon the coupons may be written, stamped, lithographed or engraved.

5. That during the fifteen years, the currency of the debentures, the sum shown in column 3, Schedule B, shall be raised annually for the payment of the debt, being the owners' portion of the frontage rate of \$0.35 per foot frontage, and interest thereon, and the special assessments set forth in the said special assessment roll are hereby imposed upon the lands thereof, as therein set forth, which said special assessments, with a sum sufficient to cover the interest thereon, at the rate aforesaid, shall be payable in the said fifteen annual instalments and for that purpose the annual rate per foot frontage of \$0.35 is hereby imposed upon each lot in the Gordon Emmett Plan No. 285 entered in the said special assessment roll, according to the assessed frontage thereof, and said special rates so imposed as aforesaid shall be over and above all other rates and taxes and shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. That the debentures may contain any clause, providing for the registration thereof, authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

7. That if at any time the owner of any of the lands hereby assessed in respect of the said work shall desire to commute the assessment imposed thereon by payment of the principal sum in lieu thereof, he may so commute by payment to the Treasurer of such sum as, with interest at the rate of 2½% per annum, will be required to provide at the maturity of the said debentures a sum equivalent to the then uncollected amounts of the said assessment.

8. That this By-law shall not take effect until the By-law has been confirmed and declared to be legally valid and binding upon the Corporation and the ratepayers by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Reeve.

HAROLD J. COVE,
Clerk.

Schedule "A"

In this Schedule the letter "n", "s", "e", "w", or "b", indicates that the Sewers are laid, and are to be assessed against the properties on the north, south, east or west, or both sides of the streets respectively.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Con- struction By-Law No.	STREET	FROM	TO	Character of Work	Life Time, Years	Total Cost being the amount of Debt Issue	Corporation's Portion of Cost	Owner's Portion of Cost	Currency of Debt Years	Corporation's Portion of Annual Rate	Owner's Portion of Annual Rate	Total Annual Rate for Debt and Interest	Total Assessable Frontage Feet	Annual Rate per Foot Frontage
1702	Rockwood Rd.	472' easterly on Park Ave.	Park Ave.	8" sanitary sewer	16	\$5,890.40	Nil	\$5,890.40	15	Nil			472 ft.	\$0.35
	Park Ave.	Rockwood Rd.	Admiral Rd.	"									167 ft.	
	Admiral Rd.	Park Ave.	Millbank	"									368 ft.	

Schedule "B"

	Principal	Interest	Annual Payment
1.	\$ 283.41	\$ 265.07	\$ 548.48
2.	296.17	252.31	548.48
3.	309.49	238.99	548.48
4.	323.42	225.06	548.48
5.	337.97	210.51	548.48
6.	353.18	195.30	548.48
7.	369.08	179.40	548.48
8.	385.68	162.80	548.48
9.	403.04	145.44	548.48
10.	421.18	127.30	548.48
11.	440.13	108.35	548.48
12.	459.94	88.54	548.48
13.	480.63	67.85	548.48
14.	502.26	46.22	548.48
15.	524.82	23.66	548.48
	<hr/>	<hr/>	<hr/>
	\$5,890.40	\$2,336.80	\$8,227.20



An Act respecting the
Township of Grantham

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

Mr. JOLLEY

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of North York

MR. GRAHAM

(PRIVATE BILL)

BILL

An Act respecting the Township of North York

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Township of North York Act, 1946* are repealed and the following substituted therefor: 1946, c. 130,
s. 1, subs. 2,
re-enacted;
subs. 3,
repealed

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation may by by-law passed by the majority of the whole number of the members thereof, without petition, amalgamate two or more street lighting areas, and any street lighting works constructed under *The Local Improvement Act* into one street lighting area. Amalgamation of
street
lighting
areas
R.S.O. 1950,
cc. 281, 215

2.—(1) In this section,

Interpre-
tation

(a) "employee" has the same meaning as in paragraph 48 of section 386 of *The Municipal Act*; R.S.O. 1950,
c. 243

(b) "pension payments" means only that portion of pension payments that have resulted or could have resulted from contributions by the employer.

(2) The council of the Corporation may by by-law grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to an employee who has been in the service of the Corporation for at least twenty years and who retires or who, while in the service, has become incapable through illness or old age of efficiently discharging his duties, provided such retirement allowance shall be not more than Retirement
allowances

$1\frac{1}{3}$ per cent of his average annual salary for the preceding three years of his service times the number of years of service, including the amount of any pension payment payable to the employee in any year under a pension plan of the Corporation.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1957*.



Bill
An Act respecting
the Township of North York

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. GRAHAM

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Township of North York

MR. GRAHAM

(Reprinted as amended by the Committee on Private Bills)

BILL

An Act respecting the Township of North York

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(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation may by by-law passed by the majority of the whole number of the members thereof, without petition, amalgamate two or more street lighting areas, and any street lighting works constructed under *The Local Improvement Act* into one street lighting area. Amalgama-
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allowances

shall be not more than $1\frac{1}{3}$ per cent of his average annual salary for the preceding three years of his service times the number of years of service, including the amount of any pension payment payable to the employee in any year under a pension plan of the Corporation.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1957*.



An Act respecting
the Township of North York

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. GRAHAM

(Reprinted as amended by the
Committee on Private Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting the Township of North York

MR. GRAHAM

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 34

1957

BILL

An Act respecting the Township of North York

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Township of North York Act, 1946* are repealed and the following substituted therefor:

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R.S.O. 1950,
c. 243

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(2) The council of the Corporation may by by-law grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to an employee who has been in the service of the Corporation for at least twenty years and who is retired because of age or who, while in the service, has become incapable through illness or otherwise of efficiently discharging his duties, provided such retirement allowance

Retirement
allowances

shall be not more than $1\frac{1}{3}$ per cent of his average annual salary for the preceding three years of his service times the number of years of service, including the amount of any pension payment payable to the employee in any year under a pension plan of the Corporation.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1957*.

An Act respecting
the Township of North York

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. GRAHAM

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting Sacred Heart College of Sudbury

MR. MONAGHAN

(PRIVATE BILL)

BILL

An Act respecting Sacred Heart College of Sudbury

WHEREAS Sacred Heart College of Sudbury by its ^{Preamble} petition has represented that it was incorporated under *An Act to Incorporate Sacred Heart College of Sudbury*, being ^{1914, c. 131} chapter 131 of the Statutes of Ontario, 1914; and whereas the petitioner has prayed for special legislation changing its name to The University of Sudbury; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act to Incorporate Sacred Heart College of Sudbury* is repealed and the following substituted therefor: ^{1914, c. 131, s. 1, re-enacted}

1. The Corporation of Sacred Heart College of Sudbury is hereby continued as a body corporate with perpetual succession under the name "The University of Sudbury", hereinafter called the Corporation, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed. ^{Corporation continued under new name}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The University of Sudbury Act, 1957*. ^{Short title}

An Act respecting
Sacred Heart College of Sudbury

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. MONAGHAN

(Private Bill)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

BILL

An Act respecting Sacred Heart College of Sudbury

MR. MONAGHAN

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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1. Section 1 of *An Act to Incorporate Sacred Heart College of Sudbury* is repealed and the following substituted therefor: ^{1914, c. 131, s. 1, re-enacted}

1. The Corporation of Sacred Heart College of Sudbury is hereby continued as a body corporate with perpetual succession under the name "The University of Sudbury", hereinafter called the Corporation, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed. ^{Corporation continued under new name}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The University of Sudbury Act, 1957*. ^{Short title}

An Act respecting
Sacred Heart College of Sudbury

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 5th, 1957

MR. MONAGHAN

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Sault Ste. Marie

MR. LYONS

(PRIVATE BILL)

No. 36

1957

BILL

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that by *The City of Sault Ste. Marie Act, 1956* it was empowered to establish by purchase or otherwise a municipality-operated bus transportation system in the City of Sault Ste. Marie and to own real and personal property for use in connection therewith, and was further empowered, subject to the approval of the Ontario Municipal Board, to issue debentures without the assent of the electors for the purposes aforesaid; and whereas it is desirable to establish a commission, to be known as Sault Ste. Marie Transportation Commission, to operate, manage and control a bus system within the City of Sault Ste. Marie, such Commission to consist of three members to be appointed by Council; and whereas the Corporation was authorized and empowered to entrust the construction of the work in connection with the said transportation system and the control and management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas it is not desirable or expedient to entrust the construction of the work in connection with the said transportation system or the control or management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sault Ste. Marie;
- (b) "Commission" means Sault Ste. Marie Transportation Commission;

(c) "Council" means the Council of the Corporation;

(d) "Company" means Algoma Steel Corporation, Limited.

Commission
may be
established

2.—(1) The Council may establish by by-law a commission under the name of "Sault Ste. Marie Transportation Commission".

Composition

(2) The Commission shall be a body corporate and shall consist of three members, each of whom shall be a resident and a ratepayer of the City of Sault Ste. Marie.

Appointment

(3) The members of the Commission shall be appointed by the Council.

Term of
office

(4) The term of office of the three persons first appointed members of the Commission shall be regulated as follows:

1. One member designated by the Council shall hold office until the end of the first year after the year of his appointment.
2. One member designated by the Council shall hold office until the end of the second year after the year of his appointment.
3. The remaining member shall hold office until the end of the third year after the year of his appointment.

Idem

(5) So often thereafter as the term of office of a member of the Commission expires, the Council shall appoint as member some qualified person who shall hold office for three years from the date of his appointment.

Idem

(6) A member of the Commission shall hold office until his successor is appointed.

Vacancies

(7) Whenever the office of a member of the Commission becomes vacant during his term of office, the Council shall appoint some qualified person a member thereof who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Members
eligible for
re-appoint-
ment

(8) A member of the Commission shall, on the expiration of his term of office, be eligible to be re-appointed thereto, provided he then is a resident and a ratepayer of the City of Sault Ste. Marie and is not otherwise disqualified.

Salary

(9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council.

(10) No member of the Council shall be appointed a member of the Commission. a Members
of Council
not eligible

(11) Two members of the Commission shall constitute a quorum quorum for the transaction of business.

3. Upon and after the acquisition by the Corporation of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith, the Commission shall have the control, operation and management thereof and of all extensions and additions thereto. Management
of system

4. Except as otherwise provided by this Act, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of the bus system being acquired from the Company, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon the debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, or real and personal property of the transportation system. Powers of
Commission

5. The Commission shall have, subject to the provisions of this Act, full power and authority, Idem

- (a) to construct, establish, equip, alter, extend, maintain and operate a bus system and any other means or system of local transportation worked by any power except steam upon, along and over the streets and public places of the City of Sault Ste. Marie, and upon, along and across such streets, highways and public places of municipalities in the Province of Ontario adjacent to the City of Sault Ste. Marie as the Commission or the Corporation may at any time be authorized to use by the councils of such adjacent municipalities;
- (b) to purchase, lease, acquire and use rolling stock, buses, plant, equipment, and real or personal property upon or in connection with the whole or such part of the transportation system of the Company as is or is proposed to be acquired by the Corporation, or upon, or in connection with, any other means or system of local transportation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes;

- (c) to take, transport, carry and convey passengers upon the said bus system and other means or system of local transportation operated by it and to regulate the time and manner in which they shall be transported, and the tolls to be charged therefor;
- (d) to appoint, employ, discharge, fix the salaries and wages of, and to pay, all such officers, servants and workmen as, in the opinion of the Commission, may be necessary or useful for the purpose of operating the transportation system and other works under its control, to specify the duties of all persons so employed, and to enter into agreements with such persons and classes of persons to secure their services for any term or length of service not exceeding three years;
- (e) to provide for the establishment and maintenance of a pension fund for the benefit of such of its officers or employees as may from time to time be retired from its service by reason of length of service or disability;
- (f) to agree from time to time with any incorporated bank for temporary advances to meet the expenses of operating and maintaining the said bus system and other works operated by the Commission, provided that the amount so borrowed shall not exceed \$25,000 at any one time;
- (g) to operate public vehicles of any one or more of the classes or for any one or more of the purposes referred to in *The Public Vehicles Act* or in the regulations thereunder, the operation of which is not authorized by clause *a* of this section, on any route or routes between the City of Sault Ste. Marie and any place outside the City of Sault Ste. Marie or between any place in any municipality adjacent to the City of Sault Ste. Marie and any place outside such adjacent municipality;
- (h) to enter into an agreement with the Corporation for the payment to the Corporation annually, in addition to the municipal taxes which the Commission is required by law to pay, of all or part of the municipal taxes which the Commission is exempt from paying, and such mileage fees as may be agreed upon by the Commission and the Corporation.

R.S.O. 1950,
c. 322

Fares, etc.,
to be
sufficient
to provide
for operating
costs

6. The Commission shall regulate and fix tolls, tariffs of tolls and fares for the carriage of passengers so that they will

produce in each year a sum sufficient to provide for the cost of operating the said transportation system and other works, for their maintenance and upkeep in an efficient condition, for making such renewals and replacements as are properly chargeable to revenue, and for the payment in due course of the principal and interest of all outstanding debentures, encumbrances and other fixed and floating liabilities.

7. Should the revenue derived from the transportation system and other works operated by the Commission fall short ^{When revenue not sufficient} in any year of the amount required to make the payments and to meet the obligations specified in section 6, then, and in every such event, the Commission shall so advance, regulate and fix the tariffs, tolls and fares to be charged during the then current year that they will produce a sum sufficient both to make such payments and to meet such obligations during such year and to wipe out the deficit of the preceding year.

8. Should there remain, in any year, a surplus of revenue, ^{When surplus of revenue} not expended or appropriated by the Commission, the same shall, subject to the provisions of section 10, remain at the disposal of the Commission, to be expended by it for the purposes authorized by this Act.

9. The Commission shall prepare and deliver to the Council, ^{Reports} on or before the 15th day of March in each year,

- (a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of December, which shall include a statement of revenue and expenditure, and relative balance sheets;
- (b) a report of its operations during such year; and
- (c) an estimate of its expenditures and revenue on operating account and expenditures on capital account during the then current year.

10. The Commission shall, from time to time, pay over to the Corporation all such sums of money as may be required to ^{Payments on account of debentures} provide for the payment in due course of the interest accrued and the instalments of principal matured in respect of debentures issued by the Corporation for the purposes of the transportation system and other works operated by the Commission.

11. The Commission shall submit its books, documents, ^{Audit} transactions, accounts, vouchers and papers to the audit and inspection of such person or persons as the Council may by resolution from time to time appoint for such purpose.

Debentures **12.**—(1) Whenever, and so often as, the Commission deems it necessary or convenient that money should be raised by debentures of the Corporation for the purposes of the transportation system or other works operated by the Commission, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue.

Affirmative vote (2) Should the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approve of such debenture issue, it may pass a by-law without obtaining the assent of the electors thereto for borrowing and may borrow, upon debentures of the Corporation, such sum or sums of money as may be requisite for such purpose.

Negative vote (3) Should a motion to approve of the proposed debenture issue fail to receive a vote of two-thirds of the members present and voting, or should the Council fail, within six weeks after the date upon which such estimate is received by it, to provide by by-law for raising upon debentures such sum as may be requisite for the purposes therein specified, it shall submit a question as to whether such debentures shall be issued to a vote of the electors qualified to vote on money by-laws in the manner provided by *The Municipal Act*, and should such electors assent thereto, the Council shall, within one month after the taking of such vote, pass a by-law authorizing the issue of such debentures and shall issue the same, and it shall not be necessary that such by-law shall be submitted to the electors for their assent.

R.S.O. 1950,
c. 243

Separate bank accounts

13.—(1) All money earned by the operations of the transportation system and other works under the control of the Commission shall be kept separate from the general revenues of the Corporation, in an incorporated bank in the City of Sault Ste. Marie, and, except in so far as is otherwise provided by this Act, shall be subject to the control of the Commission, and may be expended by it for any purpose authorized by this Act.

Withdrawals (2) All withdrawals from such account shall be made by cheque, and all cheques shall be signed in such manner and by such persons as the Council may, from time to time, determine.

Investment of funds

14. The Commission may, from time to time, invest the whole, or part, of the surplus earnings of the transportation system and of the other works operated by it, or of the amount at the credit of any fund established by it, in any securities which a trustee is by law authorized to invest money in, and also in any debentures issued by the Corporation, and may from time to time call in, sell and convert into

money any or all of such securities and reinvest the proceeds thereof.

15. The Corporation may provide by by-law that the Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the transportation system of the Company, and of the real and personal property used in connection therewith. Acquisition of real and personal property

16.—(1) The Corporation and the Company are hereby authorized to enter into an agreement for the sale by the Company and the purchase by the Corporation on the 1st day of July, 1957, or such other date as may be agreed upon by the Corporation and the Company, of all the real and personal property, rights, privileges and assets, other than moneys, securities and receivables, held or used in connection with the transportation system of the Company, which the Company owned or to which it was entitled on the 30th day of June, 1957, at a price to be determined by agreement or by arbitration, and the Corporation is authorized to hold such property, rights, privileges and assets in the City of Sault Ste. Marie and adjacent municipalities, if any. Agreement authorized

(2) *The Bulk Sales Act* shall not apply to the sale authorized by subsection 1. Application of R.S.O. 1950, c. 42

17.—(1) The Council may, from time to time, provide by by-law, which may be passed without obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of, Debentures re payments to be made under agreement

(a) the amount to be paid the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16;

(b) the cost of such plant, equipment and other facilities as it may be necessary to provide in anticipation of the taking over by the Corporation of the transportation system and property of the Company and such other expenditures as may be necessary in making arrangements for the operation of the said transportation system and property when acquired by the Corporation.

(2) Debentures issued under the authority conferred by this section may be made payable in any manner authorized by *The Municipal Act*, and at latest within thirty years from their date of issue, and may bear interest at such rate or rates as the council shall deem expedient. When payable R.S.O. 1950, c. 243

Debentures
to Company
in payment

18.—(1) Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required for the purpose of making payment of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, the Corporation may agree with the Company to issue and to deliver, and may issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount.

Issue at
price less
than par

(2) Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation unless, within three months after the date of the execution thereof, it has been approved by the Ontario Municipal Board, which approval the Board is hereby authorized to grant or to withhold as it shall deem expedient.

Corporation
may assume
liabilities

19. The Corporation may, by by-law, agree to assume and may assume, in satisfaction and discharge *pro tanto* of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, any outstanding mortgages, debentures and other liabilities of the Company, and for such purpose may execute all such agreements and documents as may be necessary or convenient.

Amount of
debentures
not to be
included in
Corporation
debt for
borrowing

20. The amount of any debentures issued by the Corporation under the provisions of this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Money
borrowed on
debentures
may be
secured
by charge
on system

21.—(1) The Corporation may secure any money borrowed upon debentures, under the authority conferred by this Act, by a mortgage or charge upon the whole, or any part, of the transportation system acquired or constructed by it, and upon any or all of the real and personal property used in connection therewith, and it shall not be necessary that any by-law passed for such purpose shall be submitted to the electors for their assent, or that their assent shall be given thereto.

Conditions

(2) Every such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient.

22.—(1) All claims, actions, and demands arising from or relating to the construction, repair, operation, management or control of the transportation system and property entrusted to the Commission, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Corporation.

(2) The Commission may sue and be sued in its own name.

23. The power of the Corporation to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the Commission.

24. Nothing in this Act shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicles Act*.

25. This Act comes into force on the day it receives Royal Assent.

26. This Act may be cited as *The City of Sault Ste. Marie Act, 1957*.

An Act respecting
the City of Saute Ste. Marie

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. LYONS

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the City of Sault Ste. Marie

MR. LYONS

(Reprinted as amended by the Committee on Private Bills)

BILL

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that by *The City of Sault Ste. Marie Act, 1956* it was empowered to establish by purchase or otherwise a municipality-operated bus transportation system in the City of Sault Ste. Marie and to own real and personal property for use in connection therewith, and was further empowered, subject to the approval of the Ontario Municipal Board, to issue debentures without the assent of the electors for the purposes aforesaid; and whereas it is desirable to establish a commission, to be known as Sault Ste. Marie Transportation Commission, to operate, manage and control a bus system within the City of Sault Ste. Marie, such Commission to consist of three members to be appointed by Council; and whereas the Corporation was authorized and empowered to entrust the construction of the work in connection with the said transportation system and the control and management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas it is not desirable or expedient to entrust the construction of the work in connection with the said transportation system or the control or management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sault Ste. Marie;
- (b) "Commission" means Sault Ste. Marie Transportation Commission;

(c) "Council" means the Council of the Corporation;

(d) "Company" means Algoma Steel Corporation, Limited.

Commission
may be
established

2.—(1) The Council may establish by by-law a commission under the name of "Sault Ste. Marie Transportation Commission".

Composition

(2) The Commission shall be a body corporate and shall consist of three members, each of whom shall be a resident and a ratepayer of the City of Sault Ste. Marie.

Appointment

(3) The members of the Commission shall be appointed by the Council.

Term of
office

(4) The term of office of the three persons first appointed members of the Commission shall be regulated as follows:

1. One member designated by the Council shall hold office until the end of the first year after the year of his appointment.
2. One member designated by the Council shall hold office until the end of the second year after the year of his appointment.
3. The remaining member shall hold office until the end of the third year after the year of his appointment.

Idem

(5) So often thereafter as the term of office of a member of the Commission expires, the Council shall appoint as member some qualified person who shall hold office for three years from the date of his appointment.

Idem

(6) A member of the Commission shall hold office until his successor is appointed.

Vacancies

(7) Whenever the office of a member of the Commission becomes vacant during his term of office, the Council shall appoint some qualified person a member thereof who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Members
eligible for
re-appoint-
ment

(8) A member of the Commission shall, on the expiration of his term of office, be eligible to be re-appointed thereto, provided he then is a resident and a ratepayer of the City of Sault Ste. Marie and is not otherwise disqualified.

Salary

(9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council.

(10) No member of the Council shall be appointed a member of the Commission. a Members
of Council
not eligible

(11) Two members of the Commission shall constitute a quorum for the transaction of business. Quorum

3. Upon and after the acquisition by the Corporation of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith, the Commission shall have the control, operation and management thereof and of all extensions and additions thereto. Management
of system

4. Except as otherwise provided by this Act, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of the bus system being acquired from the Company, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon the debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, or real and personal property of the transportation system. Powers of
Commission

5. The Commission shall have, subject to the provisions of this Act, full power and authority, Idem

- (a) to construct, establish, equip, alter, extend, maintain and operate a bus system and any other means or system of local transportation worked by any power except steam upon, along and over the streets and public places of the City of Sault Ste. Marie, and upon, along and across such streets, highways and public places of municipalities in the Province of Ontario adjacent to the City of Sault Ste. Marie as the Commission or the Corporation may at any time be authorized to use by the councils of such adjacent municipalities;
- (b) to purchase, lease, acquire and use rolling stock, buses, plant, equipment, and real or personal property upon or in connection with the whole or such part of the transportation system of the Company as is or is proposed to be acquired by the Corporation, or upon, or in connection with, any other means or system of local transportation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes;

- (c) to take, transport, carry and convey passengers upon the said bus system and other means or system of local transportation operated by it and to regulate the time and manner in which they shall be transported, and the tolls to be charged therefor;
- (d) to appoint, employ, discharge, fix the salaries and wages of, and to pay, all such officers, servants and workmen as, in the opinion of the Commission, may be necessary or useful for the purpose of operating the transportation system and other works under its control, to specify the duties of all persons so employed, and to enter into agreements with such persons and classes of persons to secure their services for any term or length of service not exceeding three years;
- (e) to provide for the establishment and maintenance of a pension fund for the benefit of such of its officers or employees as may from time to time be retired from its service by reason of length of service or disability;
- (f) to agree from time to time with any incorporated bank for temporary advances to meet the expenses of operating and maintaining the said bus system and other works operated by the Commission, provided that the amount so borrowed shall not exceed \$25,000 at any one time;
- (g) to operate public vehicles of any one or more of the classes or for any one or more of the purposes referred to in *The Public Vehicles Act* or in the regulations thereunder, the operation of which is not authorized by clause *a* of this section, on any route or routes between the City of Sault Ste. Marie and any place outside the City of Sault Ste. Marie or between any place in any municipality adjacent to the City of Sault Ste. Marie and any place outside such adjacent municipality;
- (h) to enter into an agreement with the Corporation for the payment to the Corporation annually, in addition to the municipal taxes which the Commission is required by law to pay, of all or part of the municipal taxes which the Commission is exempt from paying, and such mileage fees as may be agreed upon by the Commission and the Corporation.

R.S.O. 1950,
c. 322

Fares, etc.,
to be
sufficient
to provide
for operating
costs

6. The Commission shall regulate and fix tolls, tariffs of tolls and fares for the carriage of passengers so that they will

produce in each year a sum sufficient to provide for the cost of operating the said transportation system and other works, for their maintenance and upkeep in an efficient condition, for making such renewals and replacements as are properly chargeable to revenue, and for the payment in due course of the principal and interest of all outstanding debentures, encumbrances and other fixed and floating liabilities.

7. Should the revenue derived from the transportation system and other works operated by the Commission fall short ^{When revenue not sufficient} in any year of the amount required to make the payments and to meet the obligations specified in section 6, then, and in every such event, the Commission shall so advance, regulate and fix the tariffs, tolls and fares to be charged during the then current year that they will produce a sum sufficient both to make such payments and to meet such obligations during such year and to wipe out the deficit of the preceding year.

8. Should there remain, in any year, a surplus of revenue, ^{When surplus of revenue} not expended or appropriated by the Commission, the same shall, subject to the provisions of section 10, remain at the disposal of the Commission, to be expended by it for the purposes authorized by this Act.

9. The Commission shall prepare and deliver to the Council, ^{Reports} on or before the 15th day of March in each year,

- (a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of December, which shall include a statement of revenue and expenditure, and relative balance sheets;
- (b) a report of its operations during such year; and
- (c) an estimate of its expenditures and revenue on operating account and expenditures on capital account during the then current year.

10. The Commission shall, from time to time, pay over to the Corporation all such sums of money as may be required to ^{Payments on account of debentures} provide for the payment in due course of the interest accrued and the instalments of principal matured in respect of debentures issued by the Corporation for the purposes of the transportation system and other works operated by the Commission.

11. The Commission shall submit its books, documents, ^{Audit} transactions, accounts, vouchers and papers to the audit and inspection of the auditors of the Corporation.

Debentures

12.—(1) Whenever, and so often as, the Commission deems it necessary or convenient that money should be raised by debentures of the Corporation for the purposes of the transportation system or other works operated by the Commission, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue.

Affirmative
vote

(2) Should the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approve of such debenture issue, it may pass a by-law with the approval of the Ontario Municipal Board but without obtaining the assent of the electors thereto for borrowing and may borrow, upon debentures of the Corporation, such sum or sums of money as may be requisite for such purpose.

Negative
vote

13.—(1) All money earned by the operations of the transportation system and other works under the control of the Commission shall be kept separate from the general revenues of the Corporation, in an incorporated bank in the City of Sault Ste. Marie, and, except in so far as is otherwise provided by this Act, shall be subject to the control of the Commission, and may be expended by it for any purpose authorized by this Act.

Withdrawals

(2) All withdrawals from such account shall be made by cheque, and all cheques shall be signed in such manner and by such persons as the Council may, from time to time, determine.

Investment
of funds

14. The Commission may, from time to time, invest the whole, or part, of the surplus earnings of the transportation system and of the other works operated by it, or of the amount at the credit of any fund established by it, in any securities which a trustee is by law authorized to invest money in, and also in any debentures issued by the Corporation, and may from time to time call in, sell and convert into money any or all of such securities and reinvest the proceeds thereof.

Acquisition
of real and
personal
property

15. The Corporation may provide by by-law that the Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the transportation system of the Company, and of the real and personal property used in connection therewith.

Agreement
authorized

16.—(1) The Corporation and the Company are hereby authorized to enter into an agreement for the sale by the Company and the purchase by the Corporation on the 1st

day of July, 1957, or such other date as may be agreed upon by the Corporation and the Company, of all the real and personal property, rights, privileges and assets, other than moneys, securities and receivables, held or used in connection with the transportation system of the Company, which the Company owned or to which it was entitled on the 30th day of June, 1957, at a price to be determined by agreement or by arbitration, and the Corporation is authorized to hold such property, rights, privileges and assets in the City of Sault Ste. Marie and adjacent municipalities, if any.

(2) *The Bulk Sales Act* shall not apply to the sale authorized by subsection 1. Application
of R.S.O.
1950, c. 42

17.—(1) The Council may, from time to time, provide by by-law, which may be passed with the approval of the Ontario Municipal Board but without obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of, Debentures
re payments
to be made
under
agreement

- (a) the amount to be paid the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16;
- (b) the cost of such plant, equipment and other facilities as it may be necessary to provide in anticipation of the taking over by the Corporation of the transportation system and property of the Company and such other expenditures as may be necessary in making arrangements for the operation of the said transportation system and property when acquired by the Corporation.

(2) Debentures issued under the authority conferred by this section may be made payable in any manner authorized by *The Municipal Act*, and at latest within thirty years from their date of issue, and may bear interest at such rate or rates as the council shall deem expedient. When
payable
R.S.O. 1950,
c. 243

18.—(1) Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required for the purpose of making payment of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, the Corporation may agree with the Company to issue and to deliver, and may, with the approval of the Ontario Municipal Board, issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount. Debentures
to Company
in payment

Issue at
price less
than par

(2) Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation unless, within three months after the date of the execution thereof, it has been approved by the Ontario Municipal Board, which approval the Board is hereby authorized to grant or to withhold as it shall deem expedient.

Corporation
may assume
liabilities

19. The Corporation may, by by-law, agree to assume and may assume, in satisfaction and discharge *pro tanto* of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, any outstanding mortgages, debentures and other liabilities of the Company, and for such purpose may execute all such agreements and documents as may be necessary or convenient.

Amount of
debentures
not to be
included in
Corporation
debt for
borrowing

20. The amount of any debentures issued by the Corporation under the provisions of this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Money
borrowed on
debentures
may be
secured
by charge
on system

21.—(1) The Corporation may secure any money borrowed upon debentures, under the authority conferred by this Act, by a mortgage or charge upon the whole, or any part, of the transportation system acquired or constructed by it, and upon any or all of the real and personal property used in connection therewith, and it shall not be necessary that any by-law passed for such purpose shall be submitted to the electors for their assent, or that their assent shall be given thereto.

Conditions

(2) Every such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient.

Claims
against
Commission

22.—(1) All claims, actions, and demands arising from or relating to the construction, repair, operation, management or control of the transportation system and property entrusted to the Commission, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Corporation.

Right to sue

(2) The Commission may sue and be sued in its own name.

23. The power of the Corporation to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the Commission. ^{Power to acquire land for Commission}

24. Nothing in this Act shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicles Act*. ^{Powers of Department of Highways not affected}

25. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

26. This Act may be cited as *The City of Sault Ste. Marie Act, 1957*. ^{Short title}

An Act respecting
the City of Sault Ste. Marie

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. LYONS

*(Reprinted as amended by the
Committee on Private Bills)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

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An Act respecting the City of Sault Ste. Marie

MR. LYONS

TORONTO

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An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that by *The City of Sault Ste. Marie Act, 1956* it was empowered to establish by purchase or otherwise a municipality-operated bus transportation system in the City of Sault Ste. Marie and to own real and personal property for use in connection therewith, and was further empowered, subject to the approval of the Ontario Municipal Board, to issue debentures without the assent of the electors for the purposes aforesaid; and whereas it is desirable to establish a commission, to be known as Sault Ste. Marie Transportation Commission, to operate, manage and control a bus system within the City of Sault Ste. Marie, such Commission to consist of three members to be appointed by Council; and whereas the Corporation was authorized and empowered to entrust the construction of the work in connection with the said transportation system and the control and management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas it is not desirable or expedient to entrust the construction of the work in connection with the said transportation system or the control or management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sault Ste. Marie;
- (b) "Commission" means Sault Ste. Marie Transportation Commission;

- (c) "Council" means the Council of the Corporation;
 (d) "Company" means Algoma Steel Corporation, Limited.

Commission may be established 2.—(1) The Council may establish by by-law a commission under the name of "Sault Ste. Marie Transportation Commission".

Composition (2) The Commission shall be a body corporate and shall consist of three members, each of whom shall be a resident and a ratepayer of the City of Sault Ste. Marie.

Appointment (3) The members of the Commission shall be appointed by the Council.

Term of office (4) The term of office of the three persons first appointed members of the Commission shall be regulated as follows:

1. One member designated by the Council shall hold office until the end of the first year after the year of his appointment.
2. One member designated by the Council shall hold office until the end of the second year after the year of his appointment.
3. The remaining member shall hold office until the end of the third year after the year of his appointment.

Idem (5) So often thereafter as the term of office of a member of the Commission expires, the Council shall appoint as member some qualified person who shall hold office for three years from the date of his appointment.

Idem (6) A member of the Commission shall hold office until his successor is appointed.

Vacancies (7) Whenever the office of a member of the Commission becomes vacant during his term of office, the Council shall appoint some qualified person a member thereof who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Members eligible for re-appointment (8) A member of the Commission shall, on the expiration of his term of office, be eligible to be re-appointed thereto, provided he then is a resident and a ratepayer of the City of Sault Ste. Marie and is not otherwise disqualified.

Salary (9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council.

(10) No member of the Council shall be appointed a member of the Commission. Members
of Council
not eligible

(11) Two members of the Commission shall constitute a quorum for the transaction of business. Quorum

3. Upon and after the acquisition by the Corporation of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith, the Commission shall have the control, operation and management thereof and of all extensions and additions thereto. Management
of system

4. Except as otherwise provided by this Act, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of the bus system being acquired from the Company, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon the debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, or real and personal property of the transportation system. Powers of
Commission

5. The Commission shall have, subject to the provisions of this Act, full power and authority, Idem

- (a) to construct, establish, equip, alter, extend, maintain and operate a bus system and any other means or system of local transportation worked by any power except steam upon, along and over the streets and public places of the City of Sault Ste. Marie, and upon, along and across such streets, highways and public places of municipalities in the Province of Ontario adjacent to the City of Sault Ste. Marie as the Commission or the Corporation may at any time be authorized to use by the councils of such adjacent municipalities;
- (b) to purchase, lease, acquire and use rolling stock, buses, plant, equipment, and real or personal property upon or in connection with the whole or such part of the transportation system of the Company as is or is proposed to be acquired by the Corporation, or upon, or in connection with, any other means or system of local transportation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes;

- (c) to take, transport, carry and convey passengers upon the said bus system and other means or system of local transportation operated by it and to regulate the time and manner in which they shall be transported, and the tolls to be charged therefor;
- (d) to appoint, employ, discharge, fix the salaries and wages of, and to pay, all such officers, servants and workmen as, in the opinion of the Commission, may be necessary or useful for the purpose of operating the transportation system and other works under its control, to specify the duties of all persons so employed, and to enter into agreements with such persons and classes of persons to secure their services for any term or length of service not exceeding three years;
- (e) to provide for the establishment and maintenance of a pension fund for the benefit of such of its officers or employees as may from time to time be retired from its service by reason of length of service or disability;
- (f) to agree from time to time with any incorporated bank for temporary advances to meet the expenses of operating and maintaining the said bus system and other works operated by the Commission, provided that the amount so borrowed shall not exceed \$25,000 at any one time;
- (g) to operate public vehicles of any one or more of the classes or for any one or more of the purposes referred to in *The Public Vehicles Act* or in the regulations thereunder, the operation of which is not authorized by clause *a* of this section, on any route or routes between the City of Sault Ste. Marie and any place outside the City of Sault Ste. Marie or between any place in any municipality adjacent to the City of Sault Ste. Marie and any place outside such adjacent municipality;
- (h) to enter into an agreement with the Corporation for the payment to the Corporation annually, in addition to the municipal taxes which the Commission is required by law to pay, of all or part of the municipal taxes which the Commission is exempt from paying, and such mileage fees as may be agreed upon by the Commission and the Corporation.

R.S.O. 1950,
o. 322

Fares, etc.,
to be
sufficient
to provide
for operating
costs

6. The Commission shall regulate and fix tolls, tariffs of tolls and fares for the carriage of passengers so that they will

produce in each year a sum sufficient to provide for the cost of operating the said transportation system and other works, for their maintenance and upkeep in an efficient condition, for making such renewals and replacements as are properly chargeable to revenue, and for the payment in due course of the principal and interest of all outstanding debentures, encumbrances and other fixed and floating liabilities.

7. Should the revenue derived from the transportation system and other works operated by the Commission fall short in any year of the amount required to make the payments and to meet the obligations specified in section 6, then, and in every such event, the Commission shall so advance, regulate and fix the tariffs, tolls and fares to be charged during the then current year that they will produce a sum sufficient both to make such payments and to meet such obligations during such year and to wipe out the deficit of the preceding year. ^{When revenue not sufficient}

8. Should there remain, in any year, a surplus of revenue, not expended or appropriated by the Commission, the same shall, subject to the provisions of section 10, remain at the disposal of the Commission, to be expended by it for the purposes authorized by this Act. ^{When surplus of revenue}

9. The Commission shall prepare and deliver to the Council, on or before the 15th day of March in each year, ^{Reports}

- (a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of December, which shall include a statement of revenue and expenditure, and relative balance sheets;
- (b) a report of its operations during such year; and
- (c) an estimate of its expenditures and revenue on operating account and expenditures on capital account during the then current year.

10. The Commission shall, from time to time, pay over to the Corporation all such sums of money as may be required to provide for the payment in due course of the interest accrued and the instalments of principal matured in respect of debentures issued by the Corporation for the purposes of the transportation system and other works operated by the Commission. ^{Payments on account of debentures}

11. The Commission shall submit its books, documents, transactions, accounts, vouchers and papers to the audit and inspection of the auditors of the Corporation. ^{Audit}

Debentures **12.**—(1) Whenever, and so often as, the Commission deems it necessary or convenient that money should be raised by debentures of the Corporation for the purposes of the transportation system or other works operated by the Commission, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue.

Affirmative vote (2) Should the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approve of such debenture issue, it may pass a by-law with the approval of the Ontario Municipal Board but without obtaining the assent of the electors thereto for borrowing and may borrow, upon debentures of the Corporation, such sum or sums of money as may be requisite for such purpose.

Negative vote **13.**—(1) All money earned by the operations of the transportation system and other works under the control of the Commission shall be kept separate from the general revenues of the Corporation, in an incorporated bank in the City of Sault Ste. Marie, and, except in so far as is otherwise provided by this Act, shall be subject to the control of the Commission, and may be expended by it for any purpose authorized by this Act.

Withdrawals (2) All withdrawals from such account shall be made by cheque, and all cheques shall be signed in such manner and by such persons as the Council may, from time to time, determine.

Investment of funds **14.** The Commission may, from time to time, invest the whole, or part, of the surplus earnings of the transportation system and of the other works operated by it, or of the amount at the credit of any fund established by it, in any securities which a trustee is by law authorized to invest money in, and also in any debentures issued by the Corporation, and may from time to time call in, sell and convert into money any or all of such securities and reinvest the proceeds thereof.

Acquisition of real and personal property **15.** The Corporation may provide by by-law that the Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the transportation system of the Company, and of the real and personal property used in connection therewith.

Agreement authorized **16.**—(1) The Corporation and the Company are hereby authorized to enter into an agreement for the sale by the Company and the purchase by the Corporation on the 1st

day of July, 1957, or such other date as may be agreed upon by the Corporation and the Company, of all the real and personal property, rights, privileges and assets, other than moneys, securities and receivables, held or used in connection with the transportation system of the Company, which the Company owned or to which it was entitled on the 30th day of June, 1957, at a price to be determined by agreement or by arbitration, and the Corporation is authorized to hold such property, rights, privileges and assets in the City of Sault Ste. Marie and adjacent municipalities, if any.

(2) *The Bulk Sales Act* shall not apply to the sale authorized by subsection 1. Application
of R.S.O.
1950, c. 42

17.—(1) The Council may, from time to time, provide by by-law, which may be passed with the approval of the Ontario Municipal Board but without obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of, Debentures
re payments
to be made
under
agreement

(a) the amount to be paid the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16;

(b) the cost of such plant, equipment and other facilities as it may be necessary to provide in anticipation of the taking over by the Corporation of the transportation system and property of the Company and such other expenditures as may be necessary in making arrangements for the operation of the said transportation system and property when acquired by the Corporation.

(2) Debentures issued under the authority conferred by this section may be made payable in any manner authorized by *The Municipal Act*, and at latest within thirty years from their date of issue, and may bear interest at such rate or rates as the council shall deem expedient. When
payable
R.S.O. 1950,
c. 243

18.—(1) Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required for the purpose of making payment of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, the Corporation may agree with the Company to issue and to deliver, and may, with the approval of the Ontario Municipal Board, issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount. Debentures
to Company
in payment

Issue at
price less
than par

(2) Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation unless, within three months after the date of the execution thereof, it has been approved by the Ontario Municipal Board, which approval the Board is hereby authorized to grant or to withhold as it shall deem expedient.

Corporation
may assume
liabilities

19. The Corporation may, by by-law, agree to assume and may assume, in satisfaction and discharge *pro tanto* of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, any outstanding mortgages, debentures and other liabilities of the Company, and for such purpose may execute all such agreements and documents as may be necessary or convenient.

Amount of
debentures
not to be
included in
Corporation
debt for
borrowing

20. The amount of any debentures issued by the Corporation under the provisions of this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Money
borrowed on
debentures
may be
secured
by charge
on system

21.—(1) The Corporation may secure any money borrowed upon debentures, under the authority conferred by this Act, by a mortgage or charge upon the whole, or any part, of the transportation system acquired or constructed by it, and upon any or all of the real and personal property used in connection therewith, and it shall not be necessary that any by-law passed for such purpose shall be submitted to the electors for their assent, or that their assent shall be given thereto.

Conditions

(2) Every such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient.

Claims
against
Commission

22.—(1) All claims, actions, and demands arising from or relating to the construction, repair, operation, management or control of the transportation system and property entrusted to the Commission, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Corporation.

Right to sue

(2) The Commission may sue and be sued in its own name.

23. The power of the Corporation to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the Commission. ^{Power to acquire land for Commission}

24. Nothing in this Act shall be construed as affecting the powers conferred on the Department of Highways by ^{Powers of Department of Highways not affected} *The Public Vehicles Act*.

25. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

26. This Act may be cited as *The City of Sault Ste. Marie Act, 1957*. ^{Short title}

An Act respecting
the City of Sault Ste. Marie

1st Reading

February 14th, 1957

2nd Reading

March 1st, 1957

3rd Reading

March 18th, 1957

MR. LYONS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Town of Hawkesbury

MR. VILLENEUVE

(PRIVATE BILL)

BILL

An Act respecting the Town of Hawkesbury

WHEREAS The Corporation of the Town of Hawkesbury, Preamble
 hereinafter called the Corporation, by its petition has represented that the Corporation owned land upon which was situate a building which it rented from time to time; and whereas the said building was burned in the month of August, 1955; and whereas the Corporation desires to purchase another piece of property and to construct a building thereon; and whereas the petitioner has prayed for special legislation to be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may purchase a parcel of land and erect thereon a building which the Corporation may lease or sell to Ideal Dress Company Limited or such other person or corporation as the Corporation may desire. Authority to purchase land and erect building for lease or sale

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Town of Hawkesbury Act*, Short title 1957.

An Act respecting
the Town of Hawkesbury

1st Reading

February 14th, 1957

2nd Reading

3rd Reading

MR. VILLENEUVE

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Town of Fort Frances

MR. NODEN

(PRIVATE BILL)

No. 38

1957

BILL

An Act respecting the Town of Fort Frances

WHEREAS The Corporation of the Town of Fort Frances, hereinafter called the Corporation, by its petition has represented that it has entered into an agreement to sell the Fort Frances Municipal Telephone System to The Bell Telephone Company of Canada and has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1891 of The Corporation of the Town of Fort Frances, passed on the 28th day of January, 1957, set forth as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the Corporation is authorized and empowered to sell and transfer the Fort Frances Municipal Telephone System to The Bell Telephone Company of Canada free and clear of all charges and liens and, notwithstanding anything contained in By-law No. 1891 or *The Public Utilities Act*, the assent of the ratepayers or the electors qualified to vote on money by-laws shall not be required.

By-law confirmed

R.S.O. 1950, c. 320

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. This Act may be cited as *The Town of Fort Frances Act, 1957*.

Short title

SCHEDULE

TOWN OF FORT FRANCES

BY-LAW No. 1891

Being a by-law to authorize the sale of the Fort Frances Municipal Telephone System to The Bell Telephone Company of Canada.

WHEREAS the ratepayers of the Town of Fort Frances indicated by majority vote on By-law No. 1885 held on the 17th day of September, 1956, that they did not assent to the sale of the Fort Frances Municipal Telephone System to Norwesto Communications Limited;

AND WHEREAS the result of the said vote did not indicate whether the ratepayers preferred to retain the system and have the corporation continue to operate same in accordance with the brief submitted by the Ontario Telephone Authority dated the 16th day of May, 1956;

AND WHEREAS the result of the said vote did not indicate whether the ratepayers preferred to sell the system to The Bell Telephone Company of Canada;

AND WHEREAS the Council desires to determine the wishes of the ratepayers;

THEREFORE the Council of the Corporation of the Town of Fort Frances enacts as follows:

1. That subject to the assent of the ratepayers the Fort Frances Municipal Telephone System be sold to The Bell Telephone Company of Canada for the sum of (\$225,000.00) Two Hundred and Twenty-five Thousand Dollars, cash, and in addition to which sum The Bell Telephone Company of Canada undertakes the following commitments:

- (a) To proceed immediately to plan and order proper dial telephone equipment for operation in the Town of Fort Frances with facilities for individual service, two-party, ten-party rural, private branch exchange and pay phones, and to provide dial equipment compatible with the North American toll dialing scheme.
- (b) To provide a central office termination of 3,000 cable pairs.
- (c) To start work immediately to improve the long distance service and provide additional long distance facilities.
- (d) Provide pole line construction necessary for the new system except where, in specified location, joint use is advantageous to both parties and mutually agreed upon.
- (e) Construct a suitable Central Office building for the proposed dial system at a cost of approximately Three Hundred and Twenty-five Thousand (\$325,000.00) Dollars (this amount to include land, building, architectural and engineering fees), the plan of such building to be designed by an architect and in consultation with such officials of the Town of Fort Frances as Council may require.
- (f) To offer positions with The Bell Telephone Company of Canada to all qualified telephone exchange personnel now employed by the Corporation.
- (g) To complete the installation of the new dial system within approximately 12 months from the date of completion of the sale.
- (h) Supply telephone service at monthly rates approved by the Board of Transport Commissioners for Canada and in accordance

with the exchange classification. The present classification of the Fort Frances Exchange is Group 4 with the following rate schedule:

	Residence	Business
Individual.....	\$ 3.65	\$ 6.50
Two-party.....	2.95	5.40
Rural.....	2.85	4.10
Extension and P.B.X. Stn.....	1.00	1.25
Trunk.....	2.	9.75
Charges for connection of telephone:		
Instrument in place.....	1.00	1.00
Instrument not in place.....	2.50	3.50
Move charge each station.....	2.00	2.00

2. Pursuant to Section 273, *The Municipal Act*, R.S.O. 1950:

- (a) This by-law shall be published once a week for three successive weeks in the Fort Frances Times, i.e., November 8th, November 15th, and November 22nd, 1956.
- (b) The vote of the ratepayers on this by-law shall be taken on December 3rd, 1956.
- (c) With the assent of the electors, this by-law will be taken into consideration after one month from the date of the first publication.

3. Subject to approval of the Ontario Telephone Authority and satisfactory guarantee as to commitments by The Bell Telephone Company of Canada, it shall be the duty of the Council within six weeks after the first publication to finally pass this by-law.

4. Upon final passing thereof, the Corporation shall give possession of the existing system at the earliest possible date, but not later than June 15, 1957 and give consent by by-law to the operation of a telephone system in Fort Frances by The Bell Telephone Company of Canada.

READ a first time in open Council this 5th day of November, 1956.

GEORGE E. LOCKHART,
Mayor.

E. T. CALDER,
Clerk.

APPROVED by the Ontario Telephone Authority under No. 331, dated the 17th day of December, 1956.

READ a second and third time and finally passed in open Council this 28th day of January, 1957.

J. M. NEWMAN,
Mayor.

E. T. CALDER,
Clerk.



An Act respecting
the Town of Fort Frances

1st Reading

February 28th, 1957

2nd Reading

3rd Reading

MR. NODEN

(*Private Bill*)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Town of Fort Frances

MR. NODEN



No. 38

1957

BILL

An Act respecting the Town of Fort Frances

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Preamble

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By-law confirmed

R.S.O. 1950, c. 320

2. This Act comes into force on the day it receives Royal Assent.

Commencement

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Short title

SCHEDULE

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J. M. NEWMAN,
Mayor.

E. T. CALDER,
Clerk.



An Act respecting
the Town of Fort Frances

1st Reading

February 28th, 1957

2nd Reading

March 11th, 1957

3rd Reading

March 18th, 1957

MR. NODEN

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to establish a Uniform and Simplified Procedure
for the Enforcement of Statutory Duties and the
Review of the Exercise of Statutory Powers
by the Courts

MR. WINTERMEYER

BILL

An Act to establish a Uniform and Simplified Procedure for the Enforcement of Statutory Duties and the Review of the Exercise of Statutory Powers by the Courts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "authority" means one or more persons authorized to exercise a statutory power;
- (b) "court" means Supreme Court of Ontario;
- (c) "party" means a person who has the right to require the exercise of a statutory power or the doing of anything relating to the exercise of a statutory power or a person whose rights may be affected by the exercise of or the doing of anything relating to the exercise of a statutory power;
- (d) "statutory power" means administrative, quasi-judicial or judicial power conferred by an Act of Ontario other than a power conferred on a court of record of civil or criminal jurisdiction and includes a power to make regulations.

2. Where an authority refuses or fails to carry out a duty under an Act of Ontario to do anything relating to the exercise of a statutory power, the court may, on application by a party, order the authority to perform the duty.

Statutory
duty

3. Where an authority has failed to proceed in the manner prescribed under an Act of Ontario in the exercise of or relating to the exercise of a statutory power, the court may, on the application of the party, declare void the exercise of the power or anything done relating to the exercise of the power.

Statutory
procedure

Prohibition
from acting

4.—(1) Upon the application of a party, where it appears to the satisfaction of the court that an authority proposes to do anything in the purported exercise of a statutory power that is not authorized by the statutory power, the court may by order prohibit the authority from acting.

Exercise
of power
void

(2) Upon the application of a party, where it appears to the satisfaction of the court that an authority has done anything in the purported exercise of a statutory power that was not authorized by the statutory power, the court may by order declare void the purported exercise of the statutory power.

Remedies
preserved

5. Nothing in this Act shall affect the right of a party to apply for or the right of any court to grant a declaration or injunction or an order of certiorari, mandamus or prohibition or any remedy for which application may heretofore be made relating to the exercise or purported exercise of a statutory power.

Application
to court

6.—(1) An application to the court under this Act may be made by a party on originating notice of motion.

Notice

(2) Notice of every application under this Act shall be served on the Attorney-General of Ontario.

Application
to judge in
chambers

(3) Before the return of the notice of motion, a party may apply to a judge in chambers of the court for an order directing the persons to be served by the notice of motion and directing the authority mentioned in the notice of motion to deliver up to the registrar of the court all records or certified copies thereof relating to the issues to be raised on the motion.

Enforce-
ment

7. An order of the court under this Act may, in addition to any other remedies, be enforced by proceedings for contempt of court.

Appeal

8. An appeal shall lie from an order of the court under this Act to the court of appeal within one month from the making of the order to be appealed from or within such further time as the court of appeal may permit.

Rules of
court apply
R.S.O. 1950.
c. 190

9. Except as otherwise provided, the rules of court under *The Judicature Act* shall apply to proceedings under this Act.

Short title

10. This Act may be cited as *The Statutory Powers Supervision Act, 1957*.

An Act to establish a Uniform and
Simplified Procedure for the Enforcement
of Statutory Duties and the
Review of the Exercise of Statutory
Powers by the Courts

1st Reading

March 12th, 1957

2nd Reading

3rd Reading

MR. WINTERMEYER

No. 40

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Fair Accommodation Practices Act, 1954

MR. GIBBORN

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new clause *aa* defines the term "multiple dwelling".

SECTION 2. Section 2 of the Act is re-enacted. Subsection 1 make the provisions of the section applicable to accommodation in multiple dwellings. Subsection 2 provides that nothing contained therein is to be a bar to any religious or denominational institution.

BILL

An Act to amend The Fair Accommodation Practices Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fair Accommodation Practices Act, 1954* ^{1954, c. 28, s. 1,} is amended by adding thereto the following clause: ^{amended}

(aa) "multiple dwelling" means any building erected or proposed to be erected so as to provide three or more dwelling units designed or intended for separate use by an individual or family.

2. Section 2 of *The Fair Accommodation Practices Act, 1954* ^{1954, c. 28, s. 2,} is repealed and the following substituted therefor: ^{re-enacted}

2.—(1) No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted, or accommodation in a multiple dwelling, because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. ^{Discrimination prohibited}

(2) Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or for making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. ^{Application to religious and denominational institutions}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Fair Accommodation Practices Amendment Act, 1957*. ^{Short title}

BILL

An Act to amend
The Fair Accommodation Practices
Act, 1954

1st Reading

March 12th, 1957

2nd Reading

3rd Reading

MR. GISBORN

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting Gordon William Innes, M.P.P.

MR. ROBERTS

EXPLANATORY NOTE

This bill is self-explanatory.

BILL

An Act respecting Gordon William Innes, M.P.P.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Gordon William Innes, member of the Assembly for the Electoral District of Oxford, may bargain for and purchase from Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Highways the lands described as being:

Right to
purchase
certain
lands
without
vacating
seat in
Assembly

ALL THAT PORTION OF LOT 2, CONCESSION 2, in the Township of West Oxford, in the County of Oxford, in the Province of Ontario, having an area of 80.193 acres, more or less, shown monumented and marked yellow on the attached Plan of Survey P-3035-29 and more particularly described as follows:

Premising that all bearings herein are astronomic and are referred to the meridian through the southerly corner of Lot 3, Registered Plan number 501 (formerly Gore of West Oxford),

COMMENCING at the northerly corner of Lot 2, marked by a monument; thence south $43^{\circ} 16' 30''$ east along the north-easterly limit of Lot 2, a distance of 1715.47 feet, more or less, to a line drawn parallel to and distant 150 feet measured north-westerly and perpendicularly from the centre line of construction of the King's Highway as shown on a plan deposited in the Registry Office for the Registry Division of the County of Oxford as number 607; thence south $44^{\circ} 58' 30''$ east along the said parallel line 2014.93 feet, more or less, to the south-westerly limit of Lot 2; thence north $43^{\circ} 52' 30''$ west along the south-westerly limit 1737.50 feet, more or less, to the westerly corner of Lot 2, marked by a monument; thence north $45^{\circ} 36' 30''$ east along the northwesterly limit of Lot 2, a distance of 2033.16 feet, more or less, to the point of commencement,

and his seat in the Assembly shall not thereby be vacated nor shall he thereby be rendered ineligible as a member of or to sit or vote in the Assembly.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Gordon W. Innes Act*, Short title 1957.

1st Reading

March 21st, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting Gordon William Innes, M.P.P.

MR. ROBERTS



No. 41

1957

BILL

An Act respecting Gordon William Innes, M.P.P.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Gordon William Innes, member of the Assembly for the Electoral District of Oxford, may bargain for and purchase from Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Highways the lands described as being:

Right to
purchase
certain
lands
without
vacating
seat in
Assembly

ALL THAT PORTION OF LOT 2, CONCESSION 2, in the Township of West Oxford, in the County of Oxford, in the Province of Ontario, having an area of 80.193 acres, more or less, shown monumented and marked yellow on the attached Plan of Survey P-3035-29 and more particularly described as follows:

Premising that all bearings herein are astronomic and are referred to the meridian through the southerly corner of Lot 3, Registered Plan number 501 (formerly Gore of West Oxford),

COMMENCING at the northerly corner of Lot 2, marked by a monument; thence south $43^{\circ} 16' 30''$ east along the north-easterly limit of Lot 2, a distance of 1715.47 feet, more or less, to a line drawn parallel to and distant 150 feet measured north-westerly and perpendicularly from the centre line of construction of the King's Highway as shown on a plan deposited in the Registry Office for the Registry Division of the County of Oxford as number 607; thence south $44^{\circ} 58' 30''$ east along the said parallel line 2014.93 feet, more or less, to the south-westerly limit of Lot 2; thence north $43^{\circ} 52' 30''$ west along the south-westerly limit 1737.50 feet, more or less, to the westerly corner of Lot 2, marked by a monument; thence north $45^{\circ} 36' 30''$ east along the northwesterly limit of Lot 2, a distance of 2033.16 feet, more or less, to the point of commencement,

and his seat in the Assembly shall not thereby be vacated nor shall he thereby be rendered ineligible as a member of or to sit or vote in the Assembly.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Gordon W. Innes Act*, Short title 1957.

An Act respecting
Gordon William Innes, M.P.P.

1st Reading

March 21st, 1957

2nd Reading

March 25th, 1957

3rd Reading

March 29th, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

**An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands**

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this bill is to establish a system under which the title to land about to be subdivided may be certified so that when the plan of subdivision is registered it will be unnecessary to go back of the plan to get a good root of title.

BILL

An Act to provide for the Certification of Plans of Subdivision in order to establish Title in Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant-Governor in Council may appoint a commissioner of titles, a senior deputy commissioner of titles and one or more deputy commissioners of titles for the purposes of this Act. Appointment of commissioners

(2) A person shall not be appointed under subsection 1 unless he has been enrolled as a solicitor of the Supreme Court for at least fifteen years. Qualification for office

(3) The senior deputy commissioner of titles has and may exercise all of the powers and shall perform all the duties of the commissioner of titles when the commissioner of titles is absent by reason of illness or otherwise or when the office of commissioner of titles is vacant by reason of death, resignation or otherwise. Senior deputy commissioner

(4) Every deputy commissioner of titles shall act under the direction of the commissioner of titles and while so acting he has and may exercise all of the powers of the commissioner of titles, except that he shall not grant a certificate of title. Deputy commissioners

2. The commissioner of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve. Seal of office

3. The commissioner of titles has and may exercise in connection with his duties under this Act all of the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Powers of commissioner R.S.O. 1950, c. 308

4. This Act does not apply to land registered under *The Land Titles Act*. Where Act not to apply R.S.O. 1950, c. 197

Designation
of certi-
fication
areas

5.—(1) The Lieutenant-Governor in Council may designate areas which shall be known as certification areas.

Condition
precedent to
registration
of plan

(2) No plan of subdivision shall be registered in respect of land in a certification area unless and until the title to all the land in the plan of subdivision has been certified under this Act.

Owner may
have title
investigated

R.S.O. 1950,
c. 336

6.—(1) An owner of an estate in fee simple in land in a certification area who proposes to register a plan of subdivision of his land under *The Registry Act* may, upon application to the commissioner of titles, have the title to such land investigated and the validity thereof ascertained.

Supporting
material

(2) An application under subsection 1 shall be supported by,

(a) a statement under oath of the applicant,

- (i) that to the best of his knowledge and belief he is the owner of the estate or interest claimed subject only to the charges and encumbrances set forth in the application or that there is no charge or encumbrance affecting the land, as the case may be, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein or that he is aware of such an adverse claim, in which case he shall set forth every such adverse claim and the particulars thereof,
- (ii) where a person other than the applicant is in possession of the land, setting forth under what claim, right or title such person is in possession,
- (iii) setting forth such other facts as in his opinion might be of assistance to the commissioner of titles in ascertaining the validity of his title;

(b) a sketch of survey of the land prepared by an Ontario land surveyor;

(c) a statement under oath by the Ontario land surveyor who prepared the sketch of survey, verifying the description of the land, identifying it with the sketch of survey, stating the names of the persons in actual occupation of the land or any part thereof, describing the nature of the buildings on the land, and stating the nature and identifying any easements or encroachments;

- (d) the title documents, if any, of the land and other evidences of title available to the applicant;
- (e) an abstract of the title to the land, certified by the registrar of the registry division in which the land is situate, showing a good and sufficient forty-year chain of title immediately preceding the date of the application;
- (f) an abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor who has practised for at least ten years in the county or district in which the land is situate and a certificate of such solicitor that he has investigated the title and believes the applicant to be the owner of the estate that he claims in the land subject only to any charge or encumbrance set forth in the application and that he has conferred with the applicant on the matters set forth in the statement mentioned in clause *a* and that he believes the statement to be true;
- (g) a certificate of the sheriff of the county or district in which the land is situate showing that there are no writs of execution or extent or liens in his hands against any person having an interest in the land as ascertained by the applicant from the registrar's abstract and the investigation of the title and showing that he has not sold any land under any writ against such person within the six months next preceding the date of the certificate;
- (h) a certificate of the treasurer of the municipality in which the land is situate that all municipal taxes and rates for which the land is liable, except those for the current year, have been paid in full;
- (i) a certificate of the Registrar in Bankruptcy for the Province of Ontario that the lands of the person whose title is to be investigated are not affected by a receiving order or authorized assignment under the *Bankruptcy Act* (Canada);
- (j) a certificate of the Treasurer of Ontario that there are no arrears of taxes payable under *The Corporations Tax Act, 1957* or any predecessor thereof by any corporation that appears to have had any interest in the land before the date of filing the application;

R.S.C. 1952,
c. 14

R.S.O. 1950,
c. 378

- (k) a certificate of the Treasurer of Ontario that there are no duties payable under *The Succession Duty Act* or any predecessor thereof by any person who appears to have had any interest in the land before the date of filing the application.

Notice of
application

7. Upon the filing of the application, the commissioner of titles shall or, where the matter has been referred to a deputy commissioner of titles, the latter shall,

- (a) cause to be published in a newspaper having general circulation in the locality in which the land is situate such notice of the application as he deems proper; and
- (b) cause to be posted in a conspicuous place on the land and in such other places as he deems proper such notice of the application as he deems proper.

Adverse
claim

8.—(1) Any person having an adverse claim or a claim inconsistent with the claim set out in the application may, at any time before the certificate of title is executed, file a statement under oath of his claim with the commissioner of titles.

Idem

(2) Where a claim adverse to or inconsistent with the claim set out in the application is filed, the commissioner of titles may dispose of the issue or he may refer the matter to a judge of the Supreme Court who shall hear and determine the matter on the evidence before him or may direct the trial of the issue.

Findings
to be set
out in
writing

9.—(1) When the commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the commissioner of titles shall set out his findings in writing.

Idem

(2) When a deputy commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the deputy commissioner of titles shall set out his findings in writing and state his recommendation as to the making of a certificate of title and forward the same with all relevant material to the commissioner of titles.

Copies to
be sent to
interested
parties

(3) A copy of the written findings of the commissioner of titles or of the deputy commissioner of titles, as the case may be, shall be sent by registered mail by the commissioner of titles to the applicant and to every person who has filed a claim adverse to or inconsistent with the claim set out in the application.

Appeal

(4) Any person aggrieved by the written findings may within fifteen days after the date of the mailing of the copies

under subsection 3 appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or he may direct the trial of an issue in accordance with the practice of the court.

(5) When the period of fifteen days mentioned in subsection 4 has elapsed and no appeal has been taken or, if taken, has been disposed of, the commissioner of titles may make a certificate of title or dismiss the application, as the case may be. Disposition of application

10. Where the commissioner of titles is able to give a certificate of title to part only of the land mentioned in the application, the application may be amended accordingly. Certificate to part of land

11. A certificate of title shall bear the seal and signature of the commissioner of titles and shall be registered by the commissioner of titles in the registry office of the registry division in which the land lies. Execution and registration of certificate

12. Unless a certificate expressly states the contrary, it is subject to the following exceptions and qualifications: Certificate of title is qualified

1. Any municipal charges, rates or assessments theretofore imposed for local improvements and not yet due and payable.
2. Any right of the wife or husband of the applicant to dower or curtesy.
3. Any mechanics' lien where the time limit for the registration thereof has not expired.
4. Any lease or agreement for a lease for a period yet to run which does not exceed three years where there is actual occupation under it.

13. A certificate of title from the time of its registration is conclusive that the title is absolute and indefeasible as regards the Crown and all persons whomsoever subject only to the exceptions and qualifications mentioned in section 12 and to any mortgages or encumbrances, easements, rights-of-way, water courses, exceptions or qualifications mentioned in the certificate of title and is conclusive evidence that every application, notice, publication, proceeding, consent and act which ought to have been made, given and done before the making of the certificate has been made, given and done by the proper person in accordance with this Act. Effect of certificate of title

14.—(1) An assurance fund shall be formed to compensate persons who may be wrongfully deprived of land or some estate Assurance fund

or interest therein by reason of the title to land being certified under this Act.

Constitution of fund

(2) In order to constitute such a fund, every applicant shall pay on the making of a certificate of title under this Act, in addition to all other fees, a sum equal to one-fourth of 1 per cent of the value of the land described in the certificate apart from the buildings or fixtures thereon and one-tenth of 1 per cent of the value of the buildings and fixtures, such value to be determined as of the date of the application.

Maximum payment

(3) Where the amount as calculated in accordance with subsection 2 exceeds \$300, the amount payable is \$300.

Money paid into court

(4) The moneys payable under this section shall be paid into court with the privity of the Accountant of the Supreme Court and shall be placed to the credit of an account entitled "Assurance Fund under *The Certification of Plans of Sub-division Act, 1957*" and, subject to subsection 5, shall be invested from time to time under the direction of the court and the interest and income derived therefrom shall be credited to the same account.

Payment out of Fund

(5) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Valuation of land

(6) The value of the land shall be ascertained by the oath of the applicant unless the commissioner of titles dispenses therewith.

Proof of value

(7) If the oath of the applicant is dispensed with or if the commissioner of titles is not satisfied as to the correctness of the value stated by the oath of the applicant, he may require the affidavit or certificate in that behalf of a sworn valuator and such affidavit or certificate is conclusive.

Applicant may be required to indemnify Fund

(8) The commissioner of titles may require any applicant to indemnify the Assurance Fund against loss by a bond or covenant to Her Majesty either with or without sureties or by such other security as he considers proper.

Liability of Assurance Fund to compensate person wrongfully deprived

15.—(1) If any person is wrongfully deprived of some estate or interest in land by reason of the title to land being certified under this Act and he satisfies the Inspector of Legal Offices that he is unable to recover just compensation, he is entitled to have the same paid out of the Assurance Fund so far as the Assurance Fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of his having been so deprived or, in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind within six years from the date at which the disability ceased.

(2) The liability of the Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of the Supreme Court, be determined by the Inspector of Legal Offices on application unless the Inspector of Legal Offices directs some other way of ascertaining and determining the same. How compensation to be determined

(3) The Inspector of Legal Offices shall certify to the Treasurer of Ontario any amount found to be due to an applicant under this section, and upon receipt of the certificate the Treasurer shall pay the amount to the applicant. Payment to applicant

(4) The costs of the proceedings under this section shall be in the discretion of the Inspector of Legal Offices or the court, as the case may be. Cost of application

16. A married woman shall for the purposes of this Act be deemed a *femme sole*. Married woman deemed femme sole

17. Where it appears that any person who will become the heir of a living person or any person not in *esse* may have an interest in land that is the subject of an application under this Act and there is no guardian *ad litem* to represent him, the Official Guardian shall act as guardian *ad litem*. Official Guardian to act as guardian ad litem

18.—(1) Where an infant or an absentee has any interest in land that is the subject of an application under this Act, he shall be represented by the Official Guardian. Official Guardian to act for absentee or infant

(2) Where a mentally defective person, mentally incompetent person, or mentally incompetent person not so found, has any interest in land that is the subject of an application under this Act, he shall be represented by the Public Trustee. Public Trustee to act in mental cases

19. Proceedings shall not abate or be suspended by any death or transmission or change of interest, but in any such event the commissioner of titles may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings, or otherwise, in relation thereto as may seem proper. Where death or change of interest occurs

20. On any application under this Act, the commissioner of titles may order the applicant or any person who has filed a claim adverse to or inconsistent with the claim set out in the application to pay the costs or part of the costs of any proceedings before him or investigations by him and may direct that the same be taxed by a taxing officer of the Supreme Court. Commissioner may make order as to costs

21. Subject to the approval of the Lieutenant-Governor in Council, the Attorney General may make regulations. Regulations

- (a) prescribing the fees to be paid on applications made under this Act;
- (b) prescribing the forms for use under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

22. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

23. This Act may be cited as *The Certification of Plans of Subdivision Act, 1957*.

An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands

1st Reading

March 26th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

**An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands**

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The purpose of this bill is to establish a system under which the title to land about to be subdivided may be certified so that when the plan of subdivision is registered it will be unnecessary to go back of the plan to get a good root of title.

BILL

An Act to provide for the Certification of Plans of Subdivision in order to establish Title in Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant-Governor in Council may appoint a commissioner of titles, a senior deputy commissioner of titles and one or more deputy commissioners of titles for the purposes of this Act. Appointment of commissioners

(2) A person shall not be appointed under subsection 1 unless he has been enrolled as a solicitor of the Supreme Court for at least fifteen years. Qualification for office

(3) The senior deputy commissioner of titles has and may exercise all of the powers and shall perform all the duties of the commissioner of titles when the commissioner of titles is absent by reason of illness or otherwise or when the office of commissioner of titles is vacant by reason of death, resignation or otherwise. Senior deputy commissioner

(4) Every deputy commissioner of titles shall act under the direction of the commissioner of titles and while so acting he has and may exercise all of the powers of the commissioner of titles, except that he shall not grant a certificate of title. Deputy commissioner

2. The commissioner of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve. Seal of office

3. The commissioner of titles has and may exercise in connection with his duties under this Act all of the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Powers of commissioner R.S.O. 1950, c. 308

4. This Act does not apply to land registered under *The Land Titles Act*. Where Act not to apply R.S.O. 1950, c. 197

Designation
of certi-
fication
areas

5.—(1) The Lieutenant-Governor in Council may designate areas which shall be known as certification areas.

Condition
precedent to
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(2) No plan of subdivision shall be registered in respect of land in a certification area unless and until the title to all the land in the plan of subdivision has been certified under this Act.

Owner may
have title
investigated
R.S.O. 1950,
c. 336

6.—(1) An owner of an estate in fee simple in land in a certification area who proposes to register a plan of subdivision of his land under *The Registry Act* may, upon application to the commissioner of titles, have the title to such land investigated and the validity thereof ascertained.

Supporting
material

(2) An application under subsection 1 shall be supported by,

- (a) a statement under oath of the applicant,
 - (i) that to the best of his knowledge and belief he is the owner of the estate or interest claimed subject only to the charges and encumbrances set forth in the application or that there is no charge or encumbrance affecting the land, as the case may be, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein or that he is aware of such an adverse claim, in which case he shall set forth every such adverse claim and the particulars thereof,
 - (ii) where a person other than the applicant is in possession of the land, setting forth under what claim, right or title such person is in possession,
 - (iii) setting forth such other facts as in his opinion might be of assistance to the commissioner of titles in ascertaining the validity of his title;
- (b) a sketch of survey of the land prepared by an Ontario land surveyor;
- (c) a statement under oath by the Ontario land surveyor who prepared the sketch of survey, verifying the description of the land, identifying it with the sketch of survey, stating the names of the persons in actual occupation of the land or any part thereof, describing the nature of the buildings on the land, and stating the nature and identifying any easements or encroachments;

- (d) the title documents, if any, of the land and other evidences of title available to the applicant;
- (e) an abstract of the title to the land, certified by the registrar of the registry division in which the land is situate, showing a good and sufficient forty-year chain of title immediately preceding the date of the application;
- (f) an abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor who has practised for at least ten years in the county or district in which the land is situate and a certificate of such solicitor that he has investigated the title and believes the applicant to be the owner of the estate that he claims in the land subject only to any charge or encumbrance set forth in the application and that he has conferred with the applicant on the matters set forth in the statement mentioned in clause *a* and that he believes the statement to be true;
- (g) a certificate of the sheriff of the county or district in which the land is situate showing that there are no writs of execution or extent or liens in his hands against any person having an interest in the land as ascertained by the applicant from the registrar's abstract and the investigation of the title and showing that he has not sold any land under any writ against such person within the six months next preceding the date of the certificate;
- (h) a certificate of the treasurer of the municipality in which the land is situate that all municipal taxes and rates for which the land is liable, except those for the current year, have been paid in full;
- (i) a certificate of the Registrar in Bankruptcy for the Province of Ontario that the lands of the person whose title is to be investigated are not affected by a receiving order or authorized assignment under the *Bankruptcy Act* (Canada);
- (j) a certificate of the Treasurer of Ontario that there are no arrears of taxes payable under *The Corporations Tax Act, 1957* or any predecessor thereof by any corporation that appears to have had any interest in the land before the date of filing the application;

R.S.C. 1952,
c. 14

R.S.O. 1950,
c. 378

- (k) a certificate of the Treasurer of Ontario that there are no duties payable under *The Succession Duty Act* or any predecessor thereof by any person who appears to have had any interest in the land before the date of filing the application.

Notice of
application

7. Upon the filing of the application, the commissioner of titles shall or, where the matter has been referred to a deputy commissioner of titles, the latter shall,

- (a) cause to be published in a newspaper having general circulation in the locality in which the land is situate such notice of the application as he deems proper; and
- (b) cause to be posted in a conspicuous place on the land and in such other places as he deems proper such notice of the application as he deems proper.

Adverse
claim

8.—(1) Any person having an adverse claim or a claim inconsistent with the claim set out in the application may, at any time before the certificate of title is executed, file a statement under oath of his claim with the commissioner of titles.

Idem

(2) Where a claim adverse to or inconsistent with the claim set out in the application is filed, the commissioner of titles may dispose of the issue or he may refer the matter to a judge of the Supreme Court who shall hear and determine the matter on the evidence before him or may direct the trial of the issue.

Findings
to be set
out in
writing

9.—(1) When the commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the commissioner of titles shall set out his findings in writing.

Idem

(2) When a deputy commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the deputy commissioner of titles shall set out his findings in writing and state his recommendation as to the making of a certificate of title and forward the same with all relevant material to the commissioner of titles.

Copies to
be sent to
interested
parties

(3) A copy of the written findings of the commissioner of titles or of the deputy commissioner of titles, as the case may be, shall be sent by registered mail by the commissioner of titles to the applicant and to every person who has filed a claim adverse to or inconsistent with the claim set out in the application.

Appeal

(4) Any person aggrieved by the written findings may within fifteen days after the date of the mailing of the copies


under subsection 3 appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or he may direct the trial of an issue in accordance with the practice of the court.

(5) When the period of fifteen days mentioned in subsection 4 has elapsed and no appeal has been taken or, if taken, has been disposed of, the commissioner of titles may make a certificate of title or dismiss the application, as the case may be. ^{Disposition of application}

10. Where the commissioner of titles is able to give a certificate of title to part only of the land mentioned in the application, the application may be amended accordingly. ^{Certificate to part of land}

11. A certificate of title shall bear the seal and signature of the commissioner of titles and shall be registered by the commissioner of titles in the registry office of the registry division in which the land lies. ^{Execution and registration of certificate}

12. Unless a certificate expressly states the contrary, it is subject to the following exceptions and qualifications: ^{Certificate of title is qualified}

1. Any municipal charges, rates or assessments theretofore imposed for local improvements and not yet due and payable.
2. Any right of the wife or husband of the applicant to dower or curtesy.
3. Any mechanics' lien created under *The Mechanics' Lien Act* where the time limit for the registration thereof has not expired. ^{R.S.O. 1950, c. 227}
4. Any lease or agreement for a lease for a period yet to run which does not exceed three years where there is actual occupation under it.
5. Any right of expropriation, access or user or any other right, conferred upon or reserved to or vested in the Crown by or under the authority of any Statute of Canada or Ontario. 

13. A certificate of title from the time of its registration is conclusive that the title is absolute and indefeasible as regards the Crown and all persons whomsoever subject only to the exceptions and qualifications mentioned in section 12 and to any mortgages or encumbrances, easements, rights-of-way, water courses, exceptions or qualifications mentioned in the certificate of title and is conclusive evidence that every application, notice, publication, proceeding, consent and act which ought to have been made, given and done before the making of the certificate has been made, given and done by the proper person in accordance with this Act. ^{Effect of certificate of title}

Assurance
fund

14.—(1) An assurance fund shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to land being certified under this Act.

Constitution
of fund

(2) In order to constitute such a fund, every applicant shall pay on the making of a certificate of title under this Act, in addition to all other fees, a sum equal to one-fourth of 1 per cent of the value of the land described in the certificate apart from the buildings or fixtures thereon and one-tenth of 1 per cent of the value of the buildings and fixtures, such value to be determined as of the date of the application.

Maximum
payment

(3) Where the amount as calculated in accordance with subsection 2 exceeds \$300, the amount payable is \$300.

Money paid
into court

(4) The moneys payable under this section shall be paid into court with the privity of the Accountant of the Supreme Court and shall be placed to the credit of an account entitled "Assurance Fund under *The Certification of Plans of Sub-division Act, 1957*" and, subject to subsection 5, shall be invested from time to time under the direction of the court and the interest and income derived therefrom shall be credited to the same account.

Payment
out of Fund

(5) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Valuation
of land

(6) The value of the land shall be ascertained by the oath of the applicant unless the commissioner of titles dispenses therewith.

Proof of
value

(7) If the oath of the applicant is dispensed with or if the commissioner of titles is not satisfied as to the correctness of the value stated by the oath of the applicant, he may require the affidavit or certificate in that behalf of a sworn valuator and such affidavit or certificate is conclusive.

Applicant
may be
required to
indemnify
Fund

(8) The commissioner of titles may require any applicant to indemnify the Assurance Fund against loss by a bond or covenant to Her Majesty either with or without sureties or by such other security as he considers proper.

Liability of
Assurance
Fund to
compensate
person
wrongfully
deprived

15.—(1) If any person is wrongfully deprived of some estate or interest in land by reason of the title to land being certified under this Act and he satisfies the Inspector of Legal Offices that he is unable to recover just compensation, he is entitled to have the same paid out of the Assurance Fund so far as the Assurance Fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of his having been so deprived or, in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind within six years from the date at which the disability ceased.

(2) The liability of the Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of the Supreme Court, be determined by the Inspector of Legal Offices on application unless the Inspector of Legal Offices directs some other way of ascertaining and determining the same. How compensation to be determined

(3) The Inspector of Legal Offices shall certify to the Treasurer of Ontario any amount found to be due to an applicant under this section, and upon receipt of the certificate the Treasurer shall pay the amount to the applicant. Payment to applicant

(4) The costs of the proceedings under this section shall be in the discretion of the Inspector of Legal Offices or the court, as the case may be. Cost of application

16. A married woman shall for the purposes of this Act be deemed a *femme sole*. Married woman deemed femme sole

17. Where it appears that any person who will become the heir of a living person or any person not in *esse* may have an interest in land that is the subject of an application under this Act and there is no guardian *ad litem* to represent him, the Official Guardian shall act as guardian *ad litem*. Official Guardian to act as guardian ad litem

18.—(1) Where an infant or an absentee has any interest in land that is the subject of an application under this Act, he shall be represented by the Official Guardian. Official Guardian to act for absentee or infant

(2) Where a mentally defective person, mentally incompetent person, or mentally incompetent person not so found, has any interest in land that is the subject of an application under this Act, he shall be represented by the Public Trustee. Public Trustee to act in mental cases

19. Proceedings shall not abate or be suspended by any death or transmission or change of interest, but in any such event the commissioner of titles may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings, or otherwise, in relation thereto as may seem proper. Where death or change of interest occurs

20. On any application under this Act, the commissioner of titles may order the applicant or any person who has filed a claim adverse to or inconsistent with the claim set out in the application to pay the costs or part of the costs of any proceedings before him or investigations by him and may direct that the same be taxed by a taxing officer of the Supreme Court. Commissioner may make order as to costs

21. Subject to the approval of the Lieutenant-Governor in Council, the Attorney General may make regulations, Regulations

- (a) prescribing the fees to be paid on applications made under this Act;
- (b) prescribing the forms for use under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

22. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

23. This Act may be cited as *The Certification of Plans of Subdivision Act, 1957*.

An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands

1st Reading

March 26th, 1957

2nd Reading

March 28th, 1957

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the Committee
on Legal Bills)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

**An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands**

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to provide for the Certification of Plans of Subdivision in order to establish Title in Lands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant-Governor in Council may appoint a commissioner of titles, a senior deputy commissioner of titles and one or more deputy commissioners of titles for the purposes of this Act. Appointment of commissioners

(2) A person shall not be appointed under subsection 1 unless he has been enrolled as a solicitor of the Supreme Court for at least fifteen years. Qualification for office

(3) The senior deputy commissioner of titles has and may exercise all of the powers and shall perform all the duties of the commissioner of titles when the commissioner of titles is absent by reason of illness or otherwise or when the office of commissioner of titles is vacant by reason of death, resignation or otherwise. Senior deputy commissioner

(4) Every deputy commissioner of titles shall act under the direction of the commissioner of titles and while so acting he has and may exercise all of the powers of the commissioner of titles, except that he shall not grant a certificate of title. Deputy commissioner

2. The commissioner of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve. Seal of office

3. The commissioner of titles has and may exercise in connection with his duties under this Act all of the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Powers of commissioner
R.S.O. 1950, c. 308

4. This Act does not apply to land registered under *The Land Titles Act*. Where Act not to apply
R.S.O. 1950, c. 197

Designation
of certi-
fication
areas

5.—(1) The Lieutenant-Governor in Council may designate areas which shall be known as certification areas.

Condition
precedent to
registration
of plan

(2) No plan of subdivision shall be registered in respect of land in a certification area unless and until the title to all the land in the plan of subdivision has been certified under this Act.

Owner may
have title
investigated

R.S.O. 1950,
o. 336

6.—(1) An owner of an estate in fee simple in land in a certification area who proposes to register a plan of subdivision of his land under *The Registry Act* may, upon application to the commissioner of titles, have the title to such land investigated and the validity thereof ascertained.

Supporting
material

(2) An application under subsection 1 shall be supported by,

(a) a statement under oath of the applicant,

(i) that to the best of his knowledge and belief he is the owner of the estate or interest claimed subject only to the charges and encumbrances set forth in the application or that there is no charge or encumbrance affecting the land, as the case may be, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein or that he is aware of such an adverse claim, in which case he shall set forth every such adverse claim and the particulars thereof,

(ii) where a person other than the applicant is in possession of the land, setting forth under what claim, right or title such person is in possession,

(iii) setting forth such other facts as in his opinion might be of assistance to the commissioner of titles in ascertaining the validity of his title;

(b) a sketch of survey of the land prepared by an Ontario land surveyor;

(c) a statement under oath by the Ontario land surveyor who prepared the sketch of survey, verifying the description of the land, identifying it with the sketch of survey, stating the names of the persons in actual occupation of the land or any part thereof, describing the nature of the buildings on the land, and stating the nature and identifying any easements or encroachments;

- (d) the title documents, if any, of the land and other evidences of title available to the applicant;
- (e) an abstract of the title to the land, certified by the registrar of the registry division in which the land is situate, showing a good and sufficient forty-year chain of title immediately preceding the date of the application;
- (f) an abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor who has practised for at least ten years in the county or district in which the land is situate and a certificate of such solicitor that he has investigated the title and believes the applicant to be the owner of the estate that he claims in the land subject only to any charge or encumbrance set forth in the application and that he has conferred with the applicant on the matters set forth in the statement mentioned in clause *a* and that he believes the statement to be true;
- (g) a certificate of the sheriff of the county or district in which the land is situate showing that there are no writs of execution or extent or liens in his hands against any person having an interest in the land as ascertained by the applicant from the registrar's abstract and the investigation of the title and showing that he has not sold any land under any writ against such person within the six months next preceding the date of the certificate;
- (h) a certificate of the treasurer of the municipality in which the land is situate that all municipal taxes and rates for which the land is liable, except those for the current year, have been paid in full;
- (i) a certificate of the Registrar in Bankruptcy for the Province of Ontario that the lands of the person whose title is to be investigated are not affected by a receiving order or authorized assignment under the *Bankruptcy Act* (Canada); R.S.C. 1952,
c. 14
- (j) a certificate of the Treasurer of Ontario that there are no arrears of taxes payable under *The Corporations Tax Act, 1957* or any predecessor thereof by any corporation that appears to have had any interest in the land before the date of filing the application;

R.S.O. 1950,
c. 378

- (k) a certificate of the Treasurer of Ontario that there are no duties payable under *The Succession Duty Act* or any predecessor thereof by any person who appears to have had any interest in the land before the date of filing the application.

Notice of
application

7. Upon the filing of the application, the commissioner of titles shall or, where the matter has been referred to a deputy commissioner of titles, the latter shall,

- (a) cause to be published in a newspaper having general circulation in the locality in which the land is situate such notice of the application as he deems proper; and
- (b) cause to be posted in a conspicuous place on the land and in such other places as he deems proper such notice of the application as he deems proper.

Adverse
claim

8.—(1) Any person having an adverse claim or a claim inconsistent with the claim set out in the application may, at any time before the certificate of title is executed, file a statement under oath of his claim with the commissioner of titles.

Idem

(2) Where a claim adverse to or inconsistent with the claim set out in the application is filed, the commissioner of titles may dispose of the issue or he may refer the matter to a judge of the Supreme Court who shall hear and determine the matter on the evidence before him or may direct the trial of the issue.

Findings
to be set
out in
writing

9.—(1) When the commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the commissioner of titles shall set out his findings in writing.

Idem

(2) When a deputy commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the deputy commissioner of titles shall set out his findings in writing and state his recommendation as to the making of a certificate of title and forward the same with all relevant material to the commissioner of titles.

Copies to
be sent to
interested
parties

(3) A copy of the written findings of the commissioner of titles or of the deputy commissioner of titles, as the case may be, shall be sent by registered mail by the commissioner of titles to the applicant and to every person who has filed a claim adverse to or inconsistent with the claim set out in the application.

Appeal

(4) Any person aggrieved by the written findings may within fifteen days after the date of the mailing of the copies

under subsection 3 appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or he may direct the trial of an issue in accordance with the practice of the court.

(5) When the period of fifteen days mentioned in sub-section 4 has elapsed and no appeal has been taken or, if taken, has been disposed of, the commissioner of titles may make a certificate of title or dismiss the application, as the case may be. Disposition of application

10. Where the commissioner of titles is able to give a certificate of title to part only of the land mentioned in the application, the application may be amended accordingly. Certificate to part of land

11. A certificate of title shall bear the seal and signature of the commissioner of titles and shall be registered by the commissioner of titles in the registry office of the registry division in which the land lies. Execution and registration of certificate

12. Unless a certificate expressly states the contrary, it is subject to the following exceptions and qualifications: Certificate of title is qualified

1. Any municipal charges, rates or assessments theretofore imposed for local improvements and not yet due and payable.
2. Any right of the wife or husband of the applicant to dower or curtesy.
3. Any mechanics' lien created under *The Mechanics' Lien Act* where the time limit for the registration thereof has not expired. R.S.O. 1950, c. 227
4. Any lease or agreement for a lease for a period yet to run which does not exceed three years where there is actual occupation under it.
5. Any right of expropriation, access or user or any other right, conferred upon or reserved to or vested in the Crown by or under the authority of any Statute of Canada or Ontario.

13. A certificate of title from the time of its registration is conclusive that the title is absolute and indefeasible as regards the Crown and all persons whomsoever subject only to the exceptions and qualifications mentioned in section 12 and to any mortgages or encumbrances, easements, rights-of-way, water courses, exceptions or qualifications mentioned in the certificate of title and is conclusive evidence that every application, notice, publication, proceeding, consent and act which ought to have been made, given and done before the making of the certificate has been made, given and done by the proper person in accordance with this Act. Effect of certificate of title

Assurance fund

14.—(1) An assurance fund shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to land being certified under this Act.

Constitution of fund

(2) In order to constitute such a fund, every applicant shall pay on the making of a certificate of title under this Act, in addition to all other fees, a sum equal to one-fourth of 1 per cent of the value of the land described in the certificate apart from the buildings or fixtures thereon and one-tenth of 1 per cent of the value of the buildings and fixtures, such value to be determined as of the date of the application.

Maximum payment

(3) Where the amount as calculated in accordance with subsection 2 exceeds \$300, the amount payable is \$300.

Money paid into court

(4) The moneys payable under this section shall be paid into court with the privy of the Accountant of the Supreme Court and shall be placed to the credit of an account entitled "Assurance Fund under *The Certification of Plans of Subdivision Act, 1957*" and, subject to subsection 5, shall be invested from time to time under the direction of the court and the interest and income derived therefrom shall be credited to the same account.

Payment out of Fund

(5) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Valuation of land

(6) The value of the land shall be ascertained by the oath of the applicant unless the commissioner of titles dispenses therewith.

Proof of value

(7) If the oath of the applicant is dispensed with or if the commissioner of titles is not satisfied as to the correctness of the value stated by the oath of the applicant, he may require the affidavit or certificate in that behalf of a sworn valuator and such affidavit or certificate is conclusive.

Applicant may be required to indemnify Fund

(8) The commissioner of titles may require any applicant to indemnify the Assurance Fund against loss by a bond or covenant to Her Majesty either with or without sureties or by such other security as he considers proper.

Liability of Assurance Fund to compensate person wrongfully deprived

15.—(1) If any person is wrongfully deprived of some estate or interest in land by reason of the title to land being certified under this Act and he satisfies the Inspector of Legal Offices that he is unable to recover just compensation, he is entitled to have the same paid out of the Assurance Fund so far as the Assurance Fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of his having been so deprived or, in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind within six years from the date at which the disability ceased.

(2) The liability of the Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of the Supreme Court, be determined by the Inspector of Legal Offices on application unless the Inspector of Legal Offices directs some other way of ascertaining and determining the same. How compensation to be determined

(3) The Inspector of Legal Offices shall certify to the Treasurer of Ontario any amount found to be due to an applicant under this section, and upon receipt of the certificate the Treasurer shall pay the amount to the applicant. Payment to applicant

(4) The costs of the proceedings under this section shall be in the discretion of the Inspector of Legal Offices or the court, as the case may be. Cost of application

16. A married woman shall for the purposes of this Act be deemed a *femme sole*. Married woman deemed femme sole

17. Where it appears that any person who will become the heir of a living person or any person not in *esse* may have an interest in land that is the subject of an application under this Act and there is no guardian *ad litem* to represent him, the Official Guardian shall act as guardian *ad litem*. Official Guardian to act as guardian ad litem

18.—(1) Where an infant or an absentee has any interest in land that is the subject of an application under this Act, he shall be represented by the Official Guardian. Official Guardian to act for absentee or infant

(2) Where a mentally defective person, mentally incompetent person, or mentally incompetent person not so found, has any interest in land that is the subject of an application under this Act, he shall be represented by the Public Trustee. Public Trustee to act in mental cases

19. Proceedings shall not abate or be suspended by any death or transmission or change of interest, but in any such event the commissioner of titles may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings, or otherwise, in relation thereto as may seem proper. Where death or change of interest occurs

20. On any application under this Act, the commissioner of titles may order the applicant or any person who has filed a claim adverse to or inconsistent with the claim set out in the application to pay the costs or part of the costs of any proceedings before him or investigations by him and may direct that the same be taxed by a taxing officer of the Supreme Court. Commissioner may make order as to costs

21. Subject to the approval of the Lieutenant-Governor in Council, the Attorney General may make regulations, Regulations

- (a) prescribing the fees to be paid on applications made under this Act;
- (b) prescribing the forms for use under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-
ment**

22. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

23. This Act may be cited as *The Certification of Plans of Subdivision Act, 1957*.

An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands

1st Reading

March 26th, 1957

2nd Reading

March 28th, 1957

3rd Reading

April 2nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Registry Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill is complementary to Bill No. 42, *The Certification of Plans of Subdivision Act, 1957*.

BILL

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 84 of *The Registry Act* is amended by adding at the end thereof “and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan”,
R.S.O. 1950,
c. 336, s. 84,
subs. 2,
amended
 so that the subsection shall read as follows:

(2) The plan shall show the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where the plan is a subdivision of a lot or lots on a former plan, in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines thereof and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan.
Contents
of plan

(2) The said section 84 is amended by adding thereto the following subsection:
R.S.O. 1950,
c. 336, s. 84,
amended

(16a) The registrar shall not register a plan of a subdivision of land in any area that is designated a certification area under *The Certification of Plans of Subdivision Act, 1957* unless the person by whom or on whose behalf the plan is tendered for registration under this Act appears on the registered books to be the owner of the land and unless there has been registered a certificate of his title to the land under *The Certification of Plans of Subdivision Act, 1957* and the consent of all persons who appear by such certificate to have an interest in the land is endorsed on the plan and signed by such persons or, in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit.
Registration
of plans in
a certifica-
tion area
1957, c. . .

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

3. This Act may be cited as *The Registry Amendment Act, 1957 (No. 2)*.

BILL

An Act to amend The Registry Act

1st Reading

March 26th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Registry Act

MR. ROBERTS

No. 43

1957

BILL

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 84 of *The Registry Act* is amended by adding at the end thereof “and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan”, so that the subsection shall read as follows: R.S.O. 1950, c. 336, s. 84, subs. 2, amended

(2) The plan shall show the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where the plan is a subdivision of a lot or lots on a former plan, in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines thereof and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan. Contents of plan

(2) The said section 84 is amended by adding thereto the following subsection: R.S.O. 1950, c. 336, s. 84, amended

(16a) The registrar shall not register a plan of a subdivision of land in any area that is designated a certification area under *The Certification of Plans of Subdivision Act, 1957* unless the person by whom or on whose behalf the plan is tendered for registration under this Act appears on the registered books to be the owner of the land and unless there has been registered a certificate of his title to the land under *The Certification of Plans of Subdivision Act, 1957* and the consent of all persons who appear by such certificate to have an interest in the land is endorsed on the plan and signed by such persons or, in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit. Registration of plans in a certification area, 1957, c. . .

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

3. This Act may be cited as *The Registry Amendment Act, 1957 (No. 2)*.

BILL

An Act to amend The Registry Act

1st Reading

March 26th, 1957

2nd Reading

March 28th, 1957

3rd Reading

April 2nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Investigation of Titles Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill is complementary to Bill No. 42, *The Certification of Plans of Subdivision Act, 1957*.

No. 44

1957

BILL

An Act to amend The Investigation of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Investigation of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 186, s. 2,
amended

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Plans of Subdivision Act, 1957* within the period of forty years mentioned in subsection 1. Where¹
subs. 1
not to
apply
1957, c. . .

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

3. This Act may be cited as *The Investigation of Titles Amendment Act, 1957*. Short title

BILL

An Act to amend
The Investigation of Titles Act

1st Reading

March 26th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 44

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Investigation of Titles Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill is complementary to Bill No. 42, *The Certification of Plans of Subdivision Act, 1957*.

No. 44

1957

BILL

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Investigation of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950
c. 186, s. 2,
amended

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Plans of Subdivision Act, 1957* or *The Quieting Titles Act* within the period of forty years mentioned in subsection 1 Where
subs. 1
not to
apply
1957, c. . . .
R.S.O. 1950,
c. 326

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

3. This Act may be cited as *The Investigation of Titles Amendment Act, 1957*. Short title

BILL

An Act to amend
The Investigation of Titles Act

1st Reading

March 26th, 1957

2nd Reading

March 28th, 1957

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the Committee
on Legal Bills)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Investigation of Titles Act

MR. ROBERTS

No. 44

1957

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subs. 1
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R.S.O. 1950,
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ment

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BILL

An Act to amend
The Investigation of Titles Act

1st Reading

March 26th, 1957

2nd Reading

March 28th, 1957

3rd Reading

April 2nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Religious Institutions Act

MR. ROBERTS

EXPLANATORY NOTE

The name of The Church of England in Canada was recently changed to The Anglican Church of Canada. The reference to the old name in *The Religious Institutions Act* is, therefore, changed accordingly and references in other Acts to the old name are deemed to be references to the new name.

No. 45

1957

BILL

An Act to amend The Religious Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Religious Institutions Act* is amended by striking out "the Church of England in Ontario, formerly or otherwise called" in the third and fourth lines and inserting in lieu thereof "The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or", so that the subsection shall read as follows:

R.S.O. 1950,
c. 338, s. 19,
subs. 1,
amended

(1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act shall extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights
extended
to The
Anglican
Church of
Canada

2. Where in any general or special Act the name The Church of England in Canada is referred to, it shall be deemed to be a reference to The Anglican Church of Canada.

References
in Acts
to The
Church of
England
in Canada

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Religious Institutions Amendment Act, 1957*.

Short title

BILL

An Act to amend
The Religious Institutions Act

1st Reading

January 28th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Religious Institutions Act

MR. ROBERTS



No. 45

1957

BILL

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R.S.O. 1950,
c. 338, s. 19,
subs. 1,
amended

- (1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act shall extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights
extended
to The
Anglican
Church of
Canada

2. Where in any general or special Act the name The Church of England in Canada is referred to, it shall be deemed to be a reference to The Anglican Church of Canada.

References
in Acts
to The
Church of
England
in Canada

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Religious Institutions Amendment Act, 1957*.

Short title

BILL

An Act to amend
The Religious Institutions Act

1st Reading

January 28th, 1957

2nd Reading

February 11th, 1957

3rd Reading

February 26th, 1957

MR. ROBERTS

No. 46

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Works Act

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Section 8 of the Act now reads as follows:

8. Any property, real or personal, no longer required for the use of any public work, may be sold, leased or disposed of under the authority of the Lieutenant-Governor in Council.

In order to facilitate administration it will not be necessary to obtain an Order in Council where personal property is disposed of or where real property is leased.

No. 46

1957

BILL

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 323, s. 8,
re-enacted

8.—(1) Any real property no longer required for the purposes of a public work may be leased for any term by the Minister or may be sold or otherwise disposed of under the authority of the Lieutenant-Governor in Council. Disposal
of real
property

(2) Any personal property no longer required for the purposes of a public work may be sold or otherwise disposed of by the Minister. Disposal
of personal
property

2. This Act may be cited as *The Public Works Amendment Act, 1957*. Short title

BILL

An Act to amend
The Public Works Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. GRIESINGER

No. 46

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Works Act

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 46

1957

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An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 323, s. 8,
re-enacted

8.—(1) Any real property no longer required for the Disposal purposes of a public work may be leased for any ^{of real} property term by the Minister or may be sold or otherwise disposed of under the authority of the Lieutenant-Governor in Council.

(2) Any personal property no longer required for the Disposal purposes of a public work may be sold or otherwise ^{of personal} property disposed of by the Minister.

2. This Act may be cited as *The Public Works Amendment Act, 1957*. Short title

BILL

An Act to amend
The Public Works Act

1st Reading

January 30th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

Mr. GRIESINGER

No. 47

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Schools Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to section 11 of the bill.

SECTION 2. Subsection 1 of section 5 of the Act does not at present state at what time a child shall have reached the age of five to have the right to attend school. The amendment is to make it clear that the child must have reached the age of five before the 31st day of December in any year to have the right to be admitted after the commencement of school in September in the following year, and provides for the payment of costs if the board does not operate a school.

No. 47

1957

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Schools Act*, as amended by R.S.O. 1950, section 1 of *The Public Schools Amendment Act, 1953*, is amended ^{c. 316, s. 1,} further amended by adding thereto the following clause:

(hh) "permanent improvements" includes,

- (i) the acquisition, enlargement or improvement of a school site, and buildings thereon,
- (ii) the erection of a school building, teachers or caretakers residence, drill hall, gymnasium, and offices connected therewith, or any addition to or alteration, improvement or repair of any of them,
- (iii) the purchase of furniture, furnishings, school library, school apparatus and other equipment,
- (iv) the purchase of a bus or buses or other vehicles for the transportation of pupils,
- (v) obtaining and conveying, from beyond the school premises, a supply of water,
- (vi) the acquisition or enlargement of a site and buildings thereon or the erection thereon of a building, or any addition to or alteration, improvement or repair of any such building, for office and administrative purposes of the board,
- (vii) initial payments or contributions to a pension scheme for officers and other employees of the board.

2. Subsection 1 of section 5 of *The Public Schools Act* is R.S.O. 1950, repealed and the following substituted therefor: ^{c. 316, s. 5, subs. 1, re-enacted}

Right to
attend
public
school

- (1) All schools established under this Act are free public schools, and, subject to subsection 9 of section 90, every person who has attained the age of five years on or before the 31st day of December in any year has the right to attend some such school in the urban municipality or rural school section in which he resides, or in a school in another section for which the board has made provisions under this Act, after the 1st day of September of the following year at the expense of the school section in which he resides, except a person whose parent or guardian is a separate school supporter, or a person who, by reason mental or physical defect, is unable to profit by instruction in the public school, or a person who has attained the age of twenty-one years.

R.S.O. 1950,
c. 316, s. 12,
repealed

3. Section 12 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 14,
amended

4. Section 14 of *The Public Schools Act* is amended by adding thereto the following subsection:

Approval of
by-law

- (2a) No such by-law shall come into force until approved by the Minister.

R.S.O. 1950,
c. 316,
amended

5. *The Public Schools Act* is amended by adding thereto the following section:

Interpre-
tation

- 14a. For the purposes of sections 15, 16 and 17, a consolidated school section that lies wholly within one municipality is deemed to be a school section and a consolidated school section that lies partly within two or more municipalities is deemed to be a union school section.

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1953, c. 90,
s. 3, subs. 2),
re-enacted

- 6.—(1) Subsection 4a of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953* and amended by section 2 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

Decreasing
areas

- (4a) The council of a township that has established a township school area may, by by-law passed before the 1st day of July in any year, detach any portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

SECTION 3. The provisions of section 12 providing for the erection of walls and fences for enclosure of school premises are transferred to *The Schools Administration Act, 1954* and will apply to all school boards.

SECTION 4. The provisions of the new subsection are transferred from subsection 8 of section 17 and provide that no by-law providing for the alteration of boundaries of school sections or the union of two or more sections can come into force until approved by the Minister. The amendment is for purposes of clarification.

SECTION 5. The amendment is to make it clear that a part or all of a consolidated school section may be included in a township school area.

SECTION 6—Subsection 1. The amendment is to clarify the provisions for decreasing township school areas.

Subsection 2. The new subsection is to clarify the qualifications of trustees for a township school area.

Subsections 3 and 4. The provisions repealed are included in section 56 as re-enacted by section 11 of the bill.

Subsection 5. The amendment is to make uniform the names of public school boards of township school areas and other public school boards.

Subsection 6. The amendment is to make it clear that no by-law setting apart a township school area can come into force until approved by the Minister.

- (4b) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 4a shall not be effective unless it is approved by resolution passed before the 31st day of August of the same year by the council or councils of the municipalities concerned.

Approval
required

- (2) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 316, s. 15,
amended

- (9a) The persons who may be trustees on a board,

Qualifica-
tions of
trustees

- (a) for a township school area that does not include an urban municipality, shall have the qualifications required for trustees of a rural school section; and

- (b) for a township school area that includes an urban municipality, shall have the qualifications required for trustees of an urban board or for trustees of a rural school section.

- (3) Subsection 17 of the said section 15, as re-enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17
(1953, c. 90,
s. 3, subs. 3),
repealed

- (4) Subsection 17a of the said section 15, as enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17a
(1953, c. 90,
s. 3, subs. 3),
repealed

- (5) Subsection 18 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 18,
re-enacted

- (18) Every board of trustees of a township school area shall be a corporation by the name of "The Public School Board of the Township School Area of" (inserting the number, if any, and the name of the municipality or such other designation as the by-law may provide).

Incorporation

- (6) Subsection 23 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 23,
re-enacted

Approval of
by-law

- (23) No by-law passed under this section shall come into force until the Minister has approved of it and has made an order under subsection 5 of section 17.

R.S.O. 1950,
c. 316, s. 17,
subs. 8,
repealed

7. Subsection 8 of section 17 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 32,
subss. 3-7,
re-enacted

8. Subsections 3, 4, 5, 6 and 7 of section 32 of *The Public Schools Act* are repealed and the following substituted therefor:

Arbitrators
to determine
portion of
annual
requisition

- (3) Where a union school section is established under subsection 2, the council of each municipality concerned shall appoint an arbitrator and the arbitrators shall meet before the 1st day of December in each year and shall determine what proportion of the annual requisition made by the board for school purposes shall be levied in the following year upon and collected from the taxable property of the public school supporters of the union school section in each municipality.

Notification
of decision

- (4) The arbitrators shall notify the board and the municipalities concerned by registered letter of their decision forthwith after the making thereof.

Appeal from
decision

- (5) If the board or the council of any municipality concerned is not satisfied with the decision of the arbitrators, the board or any such council, within ten days of the receipt of the decision, may appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Appeal
where no
decision
reached by
arbitrators

- (6) If the arbitrators do not reach a decision on or before the 1st day of December, the board shall appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Corporate
name

- (7) Where an urban municipality forms part of a union school section, the board of trustees shall be a corporation by the name of "The Public School Board of.....and Union School Section Number(s)of....."
(inserting the name of the urban municipality in the first blank, the section numbers in the second blank and the names of the other municipalities in alphabetical order in the third blank).

SECTION 7. The provisions of subsection 8 of section 17 are transferred to section 14. Subsection 8 is, therefore, repealed.

SECTION 8. The amendments are to clarify the provisions for the appointment of arbitrators in a union school section to determine what proportion of the annual requisition of the board shall be levied in each municipality in the union school section and to clarify the names of boards in union school sections.

SECTION 9. The amendments are for clarification purposes only with no change in principle.

- (7a) Where parts of two or more townships form a ^{Idem} union school section, the board of trustees shall be a corporation by the name of "The Public School Board of Union School Section Numbers..... and.....of the townships of..... and....." (*inserting the names of the municipalities and numbers, the name of the municipality in which the school is located appearing first and the rest in alphabetical order*).
- (7b) For the purposes of subsections 7 and 7a, each township council shall by by-law designate that ^{Portions in union school section to be numbered} portion of the union section within the township by a number not already used in the township for a school section.
9. Subsections 1, 3, 7, 8, 9 and 11 of section 40 of *The Public Schools Act* are repealed and the following substituted ^{R.S.O. 1950, c. 316, s. 40, subss. 1, 3, 7-9, 11, re-enacted} therefor:
- (1) Except in the case of union school sections estab- ^{Apportionment by assessors} lished under subsection 2 of section 32, as often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of 10 per cent of the amount of its assessment at the date of the last apportionment and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last apportionment, the assessors of the municipalities in which a union section is situate shall, before the 1st day of December, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied commencing in the following year upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which the section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an apportionment may be made in any year.
-
- (3) Where the assessment of a union school section is ^{Assessment altered by exemptions} materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the assessors at their next meeting shall revise the apportionment.
-

Arbitration
where
assessors do
not reach a
decision

- (7) If the assessors do not reach a decision on or before the 1st day of December, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

When union
school
section in
two counties

- (8) Where the union school section is composed of parts of two adjoining counties and the assessors do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union section is situate shall act with assessors as arbitrators.

Duration of
decision

- (9) The decision of a majority of the arbitrators shall be final and conclusive until the next apportionment takes effect.

Costs

- (11) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

R.S.O. 1950,
c. 316, s. 47,
re-enacted

10. Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
union school
section that
includes an
organized
municipality

- 47.—(1) Where any part of unorganized territory forms part of a school section that includes part or all of one or more organized municipalities, such part of the unorganized territory shall for public school purposes be deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized territory forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Taxes to
include
expenses of
collection,
etc.

- (2) Any assessments to be made and taxes to be collected under this section with respect to part of any unorganized territory shall include as part thereof the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes, having regard to the ratio which the assessment in that part of the unorganized territory bears to the total assessment of the union section.

SECTION 10. Section 47 provides that where any part of unorganized territory forms part of a union school section which also includes an organized municipality, the organized municipality shall make the assessment and collect taxes in such part of the unorganized territory in the union school section. The section is extended to cover the situation where the union school section includes part or all of one or more organized municipalities.

SECTION 11. The provisions of *The Public Schools Act* respecting borrowing powers are revised for clarification and to bring them into line with the borrowing powers in *The Secondary Schools and Boards of Education Act, 1954*.

11. Section 56, as amended by section 1 of *The Public Schools Amendment Act, 1951* and section 6 of *The Public Schools Amendment Act, 1953*, and section 57 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316,
ss. 56, 57,
re-enacted

- 56.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures
for per-
manent
improve-
ments
- (2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid. Application
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. Council to
deal with
application
- (4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures. Issue of
debentures

R.S.O. 1950,
c. 243
- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided by *The Municipal Act* in the case of a money by-law. Submission
of applica-
tion to vote
of electors

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within sixty days after the receipt of the request from the board.

When vote
favourable

- (7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

Assent of
electors not
required

- (8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

- (9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

R.S.O. 1950,
c. 243

Interpre-
tation

- (10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Chargeable
only on
property of
public school
supporters

- (11) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of debentures.

Payments
to boards

- (12) Where a municipality has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Powers
where board
of education
has juris-
diction

57. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers

Subsection 6 of section 56 is new and authorizes boards to require a council to take a vote on an application for the issue of debentures for permanent improvements within sixty days of the request from the board.

SECTION 12. These amendments are complementary to section 11 of this bill.

to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality under section 56, and section 56 shall apply *mutatis mutandis*.

12. Subsection 1, subsection 2 as amended by subsection 1 of section 7 of *The Public Schools Amendment Act, 1953*, subsection 3 as amended by subsection 2 of section 7 of *The Public Schools Amendment Act, 1953*, and subsection 4 of section 58 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 58, subss. 1-4, re-enacted

- (1) Every application of a rural school board for the issue of debentures for permanent improvements shall be made as provided in subsection 2 of section 56 but shall first be sanctioned, at a special meeting called for the purpose, by the ratepayers of the school section who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of the public schools under the jurisdiction of the board. Sanction by ratepayers in rural school section R.S.O. 1950, c. 243
- (2) Where there is more than one municipality having jurisdiction in a rural union school section, the application shall be sanctioned in accordance with subsection 1, unless the councils of each municipality, or of a majority of the municipalities where there are more than two which or part of which are included in the union school section, have approved of the application. Sanction by ratepayers in rural union school section
- (3) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 2. Interpretation
- (4) Upon the application of a rural school board, the council of the municipality or, if more than one, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Issue of debentures
- (4a) The council of a municipality under this section shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on an urban municipality by section 56, and subsections 9, 11 and 12 of section 56 shall apply *mutatis mutandis*. Power to issue debentures

R.S.O. 1950,
c. 316, s. 91,
amended

13. Section 91 of *The Public Schools Act* is amended by adding thereto the following subsection:

Township
grant where
school
closed in
former
section

- (3a) Where a school has been closed in a former section that is included in a township school area, and a levy is made in the township school area by the township under section 115, the council of the township shall levy and collect in respect of each former section in which a school is closed at least the sum set forth in subsection 1 of section 115 for one principal teacher and shall pay over the sum so levied and collected to the board of the township school area, but the sum paid to the board under this subsection and subsection 1 of section 115 shall not exceed the amount paid by the board in the preceding year for teachers' salaries, tuition fees and transportation.

R.S.O. 1950,
c. 316, s. 93,
cl. e,
re-enacted;
cl. m,
repealed

14. Clauses *e* and *m* of section 93 of *The Public Schools Act* are repealed and the following substituted therefor:

- (e) subject to section 91, to provide adequate accommodation during each school year for all children who have a right to attend a public school under the jurisdiction of the respective boards.

R.S.O. 1950,
c. 316, s. 114,
repealed

15. Section 114 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 115,
subss. 4, 5,
re-enacted

16. Subsections 4 and 5 of section 115 of *The Public Schools Act* are repealed and the following substituted therefor:

Township
grants to
union school
sections and
township
school areas

- (4) In the case of a union school section or a township school area that is comprised of two or more townships or parts thereof, the township grant to the board of the union school section or township school area shall be paid at the rate for the township in which the school is located and the council of each township shall pay the township grant to the board in the same proportion as the annual requisition made by the board is fixed under section 40 or 41; provided that, if the township in which the school is located is paying a higher rate of township grant than the other municipality or municipalities concerned, the difference in the amount that would be payable by such other municipality or municipalities if the township grant payable under this subsection was based on the rate for the township grant in such other municipality or municipalities and the amount payable by reason of such higher rate shall be

SECTION 13. Section 115 provides for township grants towards teachers' salaries in counties. The amendment provides for a township grant where a school has been closed in a former section that is included in a township school area.

SECTION 14. The amendment is complementary to the amendment to section 5 and is to ensure that provision is made for adequate accommodation for all children who have a right to attend a public school. The provision of clause *m* providing for medical and dental inspection of pupils is found in *The Public Health Act*. Clause *m* is, therefore, repealed.

SECTION 15. Section 114 provides for the township treasurer to be a sub-treasurer of the county treasurer. This section is repealed as obsolete.

SECTION 16. In order to equalize school rates, many townships are exercising their rights under subsection 1 of section 115 to pay a higher township grant. Where a union or former union school section is involved, the action of one township may increase the township levy for the entire adjoining municipality. Subsection 4 of section 115, as re-enacted, restricts the effect to the portion of the neighbouring township which is in the union and adjustments in the apportionment may then be controlled in the usual manner under section 40.

Subsection 5 of section 115 provides for a levy for the payment of a school attendance officer employed under *The School Attendance Act* and *The Adolescent School Attendance Act*. Provision is now made for such appointments in section 9 of *The Schools Administration Act, 1954*. The levy and payment of a township grant is not possible when an urban municipality is included in a union school section or a township area and the levy is not necessary if all the schools in the township are operated by one school board. Subsection 5, as re-enacted, provides that no levy shall be made in these circumstances.

SECTION 17. At present a local inspector may be appointed by a board that employs at least 100 teachers. This number is reduced to 75.

levied and collected by assessment upon the taxable property of the public school supporters in the portion of the union school section or township school area located in such other municipality or municipalities.

- (5) The sums specified in subsections 1 and 2 shall not be levied or paid in any year in that part of the township that is, Where township grants not to be levied

(a) in a union school section or township school area which contains an urban municipality; or

(b) in a township area or school section in which all the public schools and public school sites in the township are vested in one school board.

17. Subsection 1 of section 120a of *The Public Schools Act*, R.S.O. 1950, c. 316, as re-enacted by subsection 1 of section 14 of *The Public Schools Amendment Act, 1953*, is amended by inserting after s. 120a, subs. 1, "of" in the first line "public school" and by striking out (1953, c. 90, s. 14, sub. 1), "one hundred" in the fourth line and inserting in lieu thereof amended "seventy-five", so that the subsection shall read as follows:

- (1) When the number of public school teachers employed by a board having jurisdiction in an area consisting of one or more municipalities or one or more parts of municipalities becomes seventy-five, the public school board or board of education, as the case may be, may appoint an inspector for the area, and such area shall be designated as a municipal inspectorate. Municipal inspector

18. This Act comes into force on the day it receives Royal Assent. Commencement

19. This Act may be cited as *The Public Schools Amendment Act, 1957*. Short title

An Act to amend
The Public Schools Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNLOP

No. 47

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Schools Act

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to section 11 of the bill.

SECTION 2. Subsection 1 of section 5 of the Act does not at present state at what time a child shall have reached the age of five to have the right to attend school. The amendment is to make it clear that the child must have reached the age of five before the 31st day of December in any year to have the right to be admitted after the commencement of school in September in the following year, and provides for the payment of costs if the board does not operate a school.

No. 47

1957

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Schools Act*, as amended by R.S.O. 1950, c. 316, s. 1, section 1 of *The Public Schools Amendment Act, 1953*, is amended further amended by adding thereto the following clause:

(hh) "permanent improvements" includes,

- (i) the acquisition, enlargement or improvement of a school site, and buildings thereon,
- (ii) the erection of a school building, teachers or caretakers residence, drill hall, gymnasium, and offices connected therewith, or any addition to or alteration, improvement or repair of any of them,
- (iii) the purchase of furniture, furnishings, school library, school apparatus and other equipment,
- (iv) the purchase of a bus or buses or other vehicles for the transportation of pupils,
- (v) obtaining and conveying, from beyond the school premises, a supply of water,
- (vi) the acquisition or enlargement of a site and buildings thereon or the erection thereon of a building, or any addition to or alteration, improvement or repair of any such building, for office and administrative purposes of the board,
- (vii) initial payments or contributions to a pension scheme for officers and other employees of the board.

2. Subsection 1 of section 5 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 5,
subs. 1,
re-enacted

Right to
attend
public
school

- (1) All schools established under this Act are free public schools, and, subject to subsection 9 of section 90, every person who has attained the age of five years on or before the 31st day of December in any year has the right to attend some such school in the urban municipality or rural school section in which he resides, or in a school in another section for which the board has made provisions under this Act, after the 1st day of September of the following year at the expense of the school section in which he resides, except a person whose parent or guardian is a separate school supporter, or a person who, by reason of mental or physical defect, is unable to profit by instruction in the public school, or a person who has attained the age of twenty-one years.

R.S.O. 1950,
c. 316, s. 12,
repealed

3. Section 12 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 14,
amended

4. Section 14 of *The Public Schools Act* is amended by adding thereto the following subsection:

Approval of
by-law

- (2a) No such by-law shall come into force until approved by the Minister.

R.S.O. 1950,
c. 316,
amended

5. *The Public Schools Act* is amended by adding thereto the following section:

Interpre-
tation

- 14a. For the purposes of sections 15, 16 and 17, a consolidated school section that lies wholly within one municipality is deemed to be a school section and a consolidated school section that lies partly within two or more municipalities is deemed to be a union school section.

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1953, c. 90,
s. 3, subs. 2),
re-enacted

- 6.—(1) Subsection 4a of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953* and amended by section 2 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

Decreasing
areas

- (4a) The council of a township that has established a township school area may, by by-law passed before the 1st day of July in any year, detach any portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

SECTION 3. The provisions of section 12 providing for the erection of walls and fences for enclosure of school premises are transferred to *The Schools Administration Act, 1954* and will apply to all school boards.

SECTION 4. The provisions of the new subsection are transferred from subsection 8 of section 17 and provide that no by-law providing for the alteration of boundaries of school sections or the union of two or more sections can come into force until approved by the Minister. The amendment is for purposes of clarification.

SECTION 5. The amendment is to make it clear that a part or all of a consolidated school section may be included in a township school area.

SECTION 6—Subsection 1. The amendment is to clarify the provisions for decreasing township school areas.

Subsection 2. The new subsection is to clarify the qualifications of trustees for a township school area.

Subsections 3 and 4. The provisions repealed are included in section 56 as re-enacted by section 11 of the bill.

Subsection 5. The amendment is to make uniform the names of public school boards of township school areas and other public school boards.

Subsection 6. The amendment is to make it clear that no by-law setting apart a township school area can come into force until approved by the Minister.

- (4b) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 4a shall not be effective unless it is approved by resolution passed before the 31st day of August of the same year by the council or councils of the municipalities concerned.

Approval
required

- (2) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 316, s. 15,
amended

- (9a) The persons who may be trustees on a board,

Qualifica-
tions of
trustees

- (a) for a township school area that does not include an urban municipality, shall have the qualifications required for trustees of a rural school section; and

- (b) for a township school area that includes an urban municipality, shall have the qualifications required for trustees of an urban board or for trustees of a rural school section.

- (3) Subsection 17 of the said section 15, as re-enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17
(1953, c. 90,
s. 3, subs. 3),
repealed

- (4) Subsection 17a of the said section 15, as enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17a
(1953, c. 90,
s. 3, subs. 3),
repealed

- (5) Subsection 18 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 18,
re-enacted

- (18) Every board of trustees of a township school area shall be a corporation by the name of "The Public School Board of the Township School Area of" (*inserting the number, if any, and the name of the municipality or such other designation as the by-law may provide*).

Incorporation

- (6) Subsection 23 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 23,
re-enacted

Approval of
by-law

- (23) No by-law passed under this section shall come into force until the Minister has approved of it and has made an order under subsection 5 of section 17.

R.S.O. 1950,
c. 316, s. 17,
subs. 8,
repealed

7. Subsection 8 of section 17 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 32,
subss. 3-7,
re-enacted

8. Subsections 3, 4, 5, 6 and 7 of section 32 of *The Public Schools Act* are repealed and the following substituted therefor:

Arbitrators
to determine
portion of
annual
requisition

- (3) Where a union school section is established under subsection 2, the council of each municipality concerned shall appoint an arbitrator and the arbitrators shall meet before the 1st day of December in each year and shall determine what proportion of the annual requisition made by the board for school purposes shall be levied in the following year upon and collected from the taxable property of the public school supporters of the union school section in each municipality.

Notification
of decision

- (4) The arbitrators shall notify the board and the municipalities concerned by registered letter of their decision forthwith after the making thereof.

Appeal from
decision

- (5) If the board or the council of any municipality concerned is not satisfied with the decision of the arbitrators, the board or any such council, within ten days of the receipt of the decision, may appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Appeal
where no
decision
reached by
arbitrators

- (6) If the arbitrators do not reach a decision on or before the 1st day of December, the board shall appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Corporate
name

- (7) Where an urban municipality forms part of a union school section, the board of trustees shall be a corporation by the name of "The Public School Board ofand Union School Section Number(s)of....."
(inserting the name of the urban municipality in the first blank, the section numbers in the second blank and the names of the other municipalities in alphabetical order in the third blank).

SECTION 7. The provisions of subsection 8 of section 17 are transferred to section 14. Subsection 8 is, therefore, repealed.

SECTION 8. The amendments are to clarify the provisions for the appointment of arbitrators in a union school section to determine what proportion of the annual requisition of the board shall be levied in each municipality in the union school section and to clarify the names of boards in union school sections.

SECTION 9. The amendments are for clarification purposes only with no change in principle.

- (7a) Where parts of two or more townships form a ^{Idem} union school section, the board of trustees shall be a corporation by the name of "The Public School Board of Union School Section Numbers..... and.....of the townships of..... and....." (*inserting the names of the municipalities and numbers, the name of the municipality in which the school is located appearing first and the rest in alphabetical order*).
- (7b) For the purposes of subsections 7 and 7a, each township council shall by by-law designate that ^{Portions in union school section to be numbered} portion of the union section within the township by a number not already used in the township for a school section.

9. Subsections 1, 3, 7, 8, 9 and 11 of section 40 of *The Public Schools Act* are repealed and the following substituted ^{R.S.O. 1950, c. 316, s. 40, subss. 1, 3, 7-9, 11, re-enacted} therefor:

- (1) Except in the case of union school sections estab- ^{Apportionment by assessors} lished under subsection 2 of section 32, as often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of 10 per cent of the amount of its assessment at the date of the last apportionment and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last apportionment, the assessors of the municipalities in which a union section is situate shall, before the 1st day of December, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied commencing in the following year upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which the section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an apportionment may be made in any year.

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- (3) Where the assessment of a union school section is ^{Assessment altered by exemptions} materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the assessors at their next meeting shall revise the apportionment.

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Arbitration
where
assessors do
not reach a
decision

- (7) If the assessors do not reach a decision on or before the 1st day of December, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

When union
school
section in
two counties

- (8) Where the union school section is composed of parts of two adjoining counties and the assessors do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union section is situate shall act with assessors as arbitrators.

Duration of
decision

- (9) The decision of a majority of the arbitrators shall be final and conclusive until the next apportionment takes effect.

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Costs

- (11) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

R.S.O. 1950,
c. 316, s. 47,
re-enacted

10. Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

- 47.—(1) Where any part of unorganized territory forms part of a school section that includes part or all of one or more organized municipalities, such part of the unorganized territory shall for public school purposes be deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized territory forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Taxes to
include
expenses of
collection,
etc.

- (2) Any assessments to be made and taxes to be collected under this section with respect to part of any unorganized territory shall include as part thereof the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes, having regard to the ratio which the assessment in that part of the unorganized territory bears to the total assessment of the union section.

SECTION 10. Section 47 provides that where any part of unorganized territory forms part of a school section which also includes an organized municipality, the organized municipality shall make the assessment and collect taxes in such part of the unorganized territory in the school section. The section is extended to cover the situation where the school section includes part or all of one or more organized municipalities.

SECTION 11. The provisions of *The Public Schools Act* respecting borrowing powers are revised for clarification and to bring them into line with the borrowing powers in *The Secondary Schools and Boards of Education Act, 1954*.

11. Section 56, as amended by section 1 of *The Public Schools Amendment Act, 1951* and section 6 of *The Public Schools Amendment Act, 1953*, and section 57 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316,
ss. 56, 57,
re-enacted

- 56.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures
for per-
manent
improve-
ments
- (2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid. Application
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. Council to
deal with
application
- (4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures. Issue of
debentures

R.S.O. 1950,
c. 243
- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided by *The Municipal Act* in the case of a money by-law. Submission
of applica-
tion to vote
of electors

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

When vote
favourable

- (7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

Assent of
electors not
required

- (8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

- (9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

R.S.O. 1950,
c. 243

Interpre-
tation

- (10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Chargeable
only on
property of
public school
supporters

- (11) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of debentures.

Payments
to boards

- (12) Where a municipality has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Powers
where board
of education
has juris-
diction

57. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers

Subsection 6 of section 56 is new and authorizes boards to require a council to take a vote on an application for the issue of debentures for permanent improvements within ninety days of the request from the board.

SECTION 12. These amendments are complementary to section 11 of this bill.

to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality under section 56, and section 56 shall apply *mutatis mutandis*.

12. Subsection 1, subsection 2 as amended by subsection 1 of section 7 of *The Public Schools Amendment Act, 1953*, subsection 3 as amended by subsection 2 of section 7 of *The Public Schools Amendment Act, 1953*, and subsection 4 of section 58 of *The Public Schools Act* are repealed and the following substituted therefor:

- (1) Every application of a rural school board, except a township school area board, for the issue of debentures for permanent improvements shall be made as provided in subsection 2 of section 56 but shall first be sanctioned, at a special meeting called for the purpose, by the ratepayers of the school section who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of the public schools under the jurisdiction of the board. R.S.O. 1950, c. 316, s. 58, subss. 1-4, re-enacted
- (2) Where there is more than one municipality having jurisdiction in a rural union school section, the application shall be sanctioned in accordance with subsection 1, unless the councils of each municipality, or of a majority of the municipalities where there are more than two which or part of which are included in the union school section, have approved of the application. Sanction by ratepayers in rural union school section
- (3) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 2. R.S.O. 1950, c. 243
- (4) Upon the application of a rural school board, the council of the municipality or, if more than one, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Interpretation
- (4a) The council of a municipality under this section shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on an urban municipality by section 56, and subsections 9, 11 and 12 of section 56 shall apply *mutatis mutandis*. Issue of debentures

R.S.O. 1950,
c. 316, s. 91,
amended

13. Section 91 of *The Public Schools Act* is amended by adding thereto the following subsection:

Township
grant where
school
closed in
former
section

- (3a) Where a school has been closed in a former section that is included in a township school area, and a levy is made in the township school area by the township under section 115, the council of the township shall levy and collect in respect of each former section in which a school is closed at least the sum set forth in subsection 1 of section 115 for one principal teacher and shall pay over the sum so levied and collected to the board of the township school area, but the sum paid to the board under this subsection and subsection 1 of section 115 shall not exceed the amount paid by the board in the preceding year for teachers' salaries, tuition fees and transportation.

R.S.O. 1950,
c. 316, s. 93,
cl. e,
re-enacted;
cl. m,
repealed

14. Clauses *e* and *m* of section 93 of *The Public Schools Act* are repealed and the following substituted therefor:

- (e) subject to section 91, to provide adequate accommodation during each school year for all children who have a right to attend a public school under the jurisdiction of the respective boards.

R.S.O. 1950,
c. 316, s. 114,
repealed

15. Section 114 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 115,
subss. 4, 5,
re-enacted

16. Subsections 4 and 5 of section 115 of *The Public Schools Act* are repealed and the following substituted therefor:

Township
grants to
union school
sections and
township
school areas

- (4) In the case of a union school section or a township school area that comprises two or more townships or parts thereof, the township grant to the board of the union school section or township school area shall be paid at the rate for the township in which the school is located and the council of each township shall pay the township grant to the board in the same proportion as the annual requisition made by the board is fixed under section 40 or 41; provided that, if the township in which the school is located is paying a higher rate of township grant than the other municipality or municipalities concerned, the difference in the amount that would be payable by such other municipality or municipalities if the township grant payable under this subsection was based on the rate for the township grant in such other municipality or municipalities and the amount payable by reason of such higher rate shall be

SECTION 13. Section 115 provides for township grants towards teachers' salaries in counties. The amendment provides for a township grant where a school has been closed in a former section that is included in a township school area.

SECTION 14. The amendment is complementary to the amendment to section 5 and is to ensure that provision is made for adequate accommodation for all children who have a right to attend a public school. The provision of clause *m* providing for medical and dental inspection of pupils is found in *The Public Health Act*. Clause *m* is, therefore, repealed.

SECTION 15. Section 114 provides for the township treasurer to be a sub-treasurer of the county treasurer. This section is repealed as obsolete.

SECTION 16. In order to equalize school rates, many townships are exercising their rights under subsection 1 of section 115 to pay a higher township grant. Where a union or former union school section is involved, the action of one township may increase the township levy for the entire adjoining municipality. Subsection 4 of section 115, as re-enacted, restricts the effect to the portion of the neighbouring township which is in the union and adjustments in the apportionment may then be controlled in the usual manner under section 40.

Subsection 5 of section 115 provides for a levy for the payment of a school attendance officer employed under *The School Attendance Act* and *The Adolescent School Attendance Act*. Provision is now made for such appointments in section 9 of *The Schools Administration Act, 1954*. The levy and payment of a township grant is not possible when an urban municipality is included in a union school section or a township area and the levy is not necessary if all the schools in the township are operated by one school board. Subsection 5, as re-enacted, provides that no levy shall be made in these circumstances.

levied and collected by assessment upon the taxable property of the public school supporters in the portion of the union school section or township school area located in such other municipality or municipalities.

- (5) The sums specified in subsections 1 and 2 shall not be levied or paid in any year in that part of the township that is, ^{Where town-ship grants not to be levied}

- (a) in a union school section that contains an urban municipality or a township school area that contains an urban municipality; or
- (b) in a township area in which all the public schools and public school sites in the township are vested in one school board or in a school section in which all the public schools and public school sites in the township are vested in one school board.

17. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

18. This Act may be cited as *The Public Schools Amendment Act, 1957*. ^{Short title}

BILL

An Act to amend
The Public Schools Act

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

MR. DUNLOP

(Reprinted as amended by
the Committee on Education)

No. 47

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

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No. 47

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An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Schools Act*, as amended by R.S.O. 1950, section 1 of *The Public Schools Amendment Act, 1953*, is ^{c. 316, s. 1,} amended further amended by adding thereto the following clause:

(hh) "permanent improvements" includes,

- (i) the acquisition, enlargement or improvement of a school site, and buildings thereon,
- (ii) the erection of a school building, teachers or caretakers residence, drill hall, gymnasium, and offices connected therewith, or any addition to or alteration, improvement or repair of any of them,
- (iii) the purchase of furniture, furnishings, school library, school apparatus and other equipment,
- (iv) the purchase of a bus or buses or other vehicles for the transportation of pupils,
- (v) obtaining and conveying, from beyond the school premises, a supply of water,
- (vi) the acquisition or enlargement of a site and buildings thereon or the erection thereon of a building, or any addition to or alteration, improvement or repair of any such building, for office and administrative purposes of the board,
- (vii) initial payments or contributions to a pension scheme for officers and other employees of the board.

2. Subsection 1 of section 5 of *The Public Schools Act* is ^{R.S.O. 1950,} repealed and the following substituted therefor: ^{c. 316, s. 5,}
^{subs. 1,}
^{re-enacted}

Right to
attend
public
school

- (1) All schools established under this Act are free public schools, and, subject to subsection 9 of section 90, every person who has attained the age of five years on or before the 31st day of December in any year has the right to attend some such school in the urban municipality or rural school section in which he resides, or in a school in another section for which the board has made provisions under this Act, after the 1st day of September of the following year at the expense of the school section in which he resides, except a person whose parent or guardian is a separate school supporter, or a person who, by reason of mental or physical defect, is unable to profit by instruction in the public school, or a person who has attained the age of twenty-one years.

R.S.O. 1950,
c. 316, s. 12,
repealed

- 3.** Section 12 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 14,
amended

- 4.** Section 14 of *The Public Schools Act* is amended by adding thereto the following subsection:

Approval of
by-law

- (2a) No such by-law shall come into force until approved by the Minister.

R.S.O. 1950,
c. 316,
amended

- 5.** *The Public Schools Act* is amended by adding thereto the following section:

Interpre-
tation

- 14a. For the purposes of sections 15, 16 and 17, a consolidated school section that lies wholly within one municipality is deemed to be a school section and a consolidated school section that lies partly within two or more municipalities is deemed to be a union school section.

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1953, c. 90,
s. 3, subs. 2),
re-enacted

- 6.—**(1) Subsection 4a of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953* and amended by section 2 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

Decreasing
areas

- (4a) The council of a township that has established a township school area may, by by-law passed before the 1st day of July in any year, detach any portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

- (4b) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 4a shall not be effective unless it is approved by resolution passed before the 31st day of August of the same year by the council or councils of the municipalities concerned. Approval
required
- (2) The said section 15 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 316, s. 15,
amended
- (9a) The persons who may be trustees on a board, Qualifica-
tions of
trustees
- (a) for a township school area that does not include an urban municipality, shall have the qualifications required for trustees of a rural school section; and
- (b) for a township school area that includes an urban municipality, shall have the qualifications required for trustees of an urban board or for trustees of a rural school section.
- (3) Subsection 17 of the said section 15, as re-enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed. R.S.O. 1950,
c. 316, s. 15,
subs. 17
(1953, c. 90,
s. 3, subs. 3),
repealed
- (4) Subsection 17a of the said section 15, as enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed. R.S.O. 1950,
c. 316, s. 15,
subs. 17a
(1953, c. 90,
s. 3, subs. 3),
repealed
- (5) Subsection 18 of the said section 15 is repealed and the following substituted therefor: R.S.O. 1950,
c. 316, s. 15,
subs. 18,
re-enacted
- (18) Every board of trustees of a township school area shall be a corporation by the name of "The Public School Board of the Township School Area of" (inserting the number, if any, and the name of the municipality or such other designation as the by-law may provide). Incorporation
- (6) Subsection 23 of the said section 15 is repealed and the following substituted therefor: R.S.O. 1950,
c. 316, s. 15,
subs. 23,
re-enacted

Approval of
by-law

- (23) No by-law passed under this section shall come into force until the Minister has approved of it and has made an order under subsection 5 of section 17.

R.S.O. 1950,
c. 316, s. 17,
subs. 8,
repealed

7. Subsection 8 of section 17 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 32,
subs. 3-7,
re-enacted

8. Subsections 3, 4, 5, 6 and 7 of section 32 of *The Public Schools Act* are repealed and the following substituted therefor:

Arbitrators
to determine
portion of
annual
requisition

- (3) Where a union school section is established under subsection 2, the council of each municipality concerned shall appoint an arbitrator and the arbitrators shall meet before the 1st day of December in each year and shall determine what proportion of the annual requisition made by the board for school purposes shall be levied in the following year upon and collected from the taxable property of the public school supporters of the union school section in each municipality.

Notification
of decision

- (4) The arbitrators shall notify the board and the municipalities concerned by registered letter of their decision forthwith after the making thereof.

Appeal from
decision

- (5) If the board or the council of any municipality concerned is not satisfied with the decision of the arbitrators, the board or any such council, within ten days of the receipt of the decision, may appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Appeal
where no
decision
reached by
arbitrators

- (6) If the arbitrators do not reach a decision on or before the 1st day of December, the board shall appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Corporate
name

- (7) Where an urban municipality forms part of a union school section, the board of trustees shall be a corporation by the name of "The Public School Board ofand Union School Section Number(s)of....."
(inserting the name of the urban municipality in the first blank, the section numbers in the second blank and the names of the other municipalities in alphabetical order in the third blank).

- (7a) Where parts of two or more townships form a ^{Idem} union school section, the board of trustees shall be a corporation by the name of "The Public School Board of Union School Section Numbers..... and.....of the townships of..... and....." (*inserting the names of the municipalities and numbers, the name of the municipality in which the school is located appearing first and the rest in alphabetical order*).

- (7b) For the purposes of subsections 7 and 7a, each township council shall by by-law designate that ^{Portions in union school section to be numbered} portion of the union section within the township by a number not already used in the township for a school section.

9. Subsections 1, 3, 7, 8, 9 and 11 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor: ^{R.S.O. 1950, c. 316, s. 40, subss. 1, 3, 7-9, 11, re-enacted}

- (1) Except in the case of union school sections established under subsection 2 of section 32, as often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of 10 per cent of the amount of its assessment at the date of the last apportionment and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last apportionment, the assessors of the municipalities in which a union section is situate shall, before the 1st day of December, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied commencing in the following year upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which the section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an apportionment may be made in any year. ^{Apportionment by assessors}

.

- (3) Where the assessment of a union school section is ^{Assessment altered by exemptions} materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the assessors at their next meeting shall revise the apportionment.

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Arbitration
where
assessors do
not reach a
decision

- (7) If the assessors do not reach a decision on or before the 1st day of December, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

When union
school
section in
two counties

- (8) Where the union school section is composed of parts of two adjoining counties and the assessors do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union section is situate shall act with assessors as arbitrators.

Duration of
decision

- (9) The decision of a majority of the arbitrators shall be final and conclusive until the next apportionment takes effect.

Costs

- (11) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

R.S.O. 1950,
c. 316, s. 47,
re-enacted

10. Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

- 47.—(1) Where any part of unorganized territory forms part of a school section that includes part or all of one or more organized municipalities, such part of the unorganized territory shall for public school purposes be deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized territory forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Taxes to
include
expenses of
collection,
etc.

- (2) Any assessments to be made and taxes to be collected under this section with respect to part of any unorganized territory shall include as part thereof the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes, having regard to the ratio which the assessment in that part of the unorganized territory bears to the total assessment of the union section.

11. Section 56, as amended by section 1 of *The Public Schools Amendment Act, 1951* and section 6 of *The Public Schools Amendment Act, 1953*, and section 57 of *The Public Schools Act* are repealed and the following substituted therefor:

- 56.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein.
- (2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.
- (4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures.
- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided by *The Municipal Act* in the case of a money by-law.

R.S.O. 1950,
c. 316,
ss. 56, 57,
re-enacted

Debentures
for per-
manent
improve-
ments

Application

Council to
deal with
application

Issue of
debentures

R.S.O. 1950,
c. 243

Submission
of applica-
tion to vote
of electors

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

When vote
favourable

- (7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

Assent of
electors not
required

- (8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

- (9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

R.S.O. 1950,
c. 243

Interpre-
tation

- (10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Chargeable
only on
property of
public school
supporters

- (11) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of debentures.

Payments
to boards

- (12) Where a municipality has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Powers
where board
of education
has juris-
diction

57. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers

to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality under section 56, and section 56 shall apply *mutatis mutandis*.

12. Subsection 1, subsection 2 as amended by subsection 1 of section 7 of *The Public Schools Amendment Act, 1953*, subsection 3 as amended by subsection 2 of section 7 of *The Public Schools Amendment Act, 1953*, and subsection 4 of section 58 of *The Public Schools Act* are repealed and the following substituted therefor:

- (1) Every application of a rural school board, except a township school area board, for the issue of debentures for permanent improvements shall be made as provided in subsection 2 of section 56 but shall first be sanctioned, at a special meeting called for the purpose, by the ratepayers of the school section who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of the public schools under the jurisdiction of the board. R.S.O. 1950, c. 316, s. 58, subss. 1-4, re-enacted
- (2) Where there is more than one municipality having jurisdiction in a rural union school section, the application shall be sanctioned in accordance with subsection 1, unless the councils of each municipality, or of a majority of the municipalities where there are more than two which or part of which are included in the union school section, have approved of the application. Sanction by ratepayers in rural school section
- (3) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 2. Interpretation
- (4) Upon the application of a rural school board, the council of the municipality or, if more than one, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Issue of debentures
- (4a) The council of a municipality under this section shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on an urban municipality by section 56, and subsections 9, 11 and 12 of section 56 shall apply *mutatis mutandis*. Power to issue debentures

R.S.O. 1950,
c. 316, s. 91,
amended

13. Section 91 of *The Public Schools Act* is amended by adding thereto the following subsection:

Township
grant where
school
closed in
former
section

- (3a) Where a school has been closed in a former section that is included in a township school area, and a levy is made in the township school area by the township under section 115, the council of the township shall levy and collect in respect of each former section in which a school is closed at least the sum set forth in subsection 1 of section 115 for one principal teacher and shall pay over the sum so levied and collected to the board of the township school area, but the sum paid to the board under this subsection and subsection 1 of section 115 shall not exceed the amount paid by the board in the preceding year for teachers' salaries, tuition fees and transportation.

R.S.O. 1950,
c. 316, s. 93,
cl. e,
re-enacted;
cl. m,
repealed

14. Clauses *e* and *m* of section 93 of *The Public Schools Act* are repealed and the following substituted therefor:

- (e) subject to section 91, to provide adequate accommodation during each school year for all children who have a right to attend a public school under the jurisdiction of the respective boards.

R.S.O. 1950,
c. 316, s. 114,
repealed

15. Section 114 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 115,
subss. 4, 5,
re-enacted

16. Subsections 4 and 5 of section 115 of *The Public Schools Act* are repealed and the following substituted therefor:

Township
grants to
union school
sections and
township
school areas

- (4) In the case of a union school section or a township school area that comprises two or more townships or parts thereof, the township grant to the board of the union school section or township school area shall be paid at the rate for the township in which the school is located and the council of each township shall pay the township grant to the board in the same proportion as the annual requisition made by the board is fixed under section 40 or 41; provided that, if the township in which the school is located is paying a higher rate of township grant than the other municipality or municipalities concerned, the difference in the amount that would be payable by such other municipality or municipalities if the township grant payable under this subsection was based on the rate for the township grant in such other municipality or municipalities and the amount payable by reason of such higher rate shall be

levied and collected by assessment upon the taxable property of the public school supporters in the portion of the union school section or township school area located in such other municipality or municipalities.

- (5) The sums specified in subsections 1 and 2 shall not be levied or paid in any year in that part of the township that is, ^{Where township grants not to be levied}

(a) in a union school section that contains an urban municipality or a township school area that contains an urban municipality; or

(b) in a township area in which all the public schools and public school sites in the township are vested in one school board or in a school section in which all the public schools and public school sites in the township are vested in one school board.

17. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

18. This Act may be cited as *The Public Schools Amendment Act, 1957*. ^{Short title}

Bill
An Act to amend
The Public Schools Act

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

February 26th, 1957

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend
The Schools Administration Act, 1954

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. The provision for erecting fences is transferred from *The Public Schools Act* and will henceforth apply to all school boards.

SECTION 2. The provisions under *The Municipal Act* providing for an oath of office do not include trustees of all school boards. The new section provides for a declaration of office and oath of allegiance to be completed by trustees of all school boards.

No. 48

1957

BILL

An Act to amend The Schools Administration Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Schools Administration Act, 1954* is 1954, c. 86,
amended by adding thereto the following clause: s. 32,
amended

(h) erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises.

2. *The Schools Administration Act, 1954* is amended by 1954, c. 86,
adding thereto the following section: amended

38a.—(1) Except as provided in subsection 2, every person Declaration
elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, A.B., do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at }
.....in the }
County or District of }
.....this }
.....day of }
....., 19.. }

A.B.

(2) Where a person is elected or appointed to fill a Idem
vacancy on a board, he shall make such declaration

on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of
allegiance

- (3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	} <i>A.B.</i>
.....in	
the County or District	
of.....this	
.....day of	
....., 19..	

Filing of
declaration
and oath

- (4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be.

1954, c. 86,
s. 58, subs. 1,
amended

3. Subsection 1 of section 58 of *The Schools Administration Act, 1954* is amended by striking out "one mile" in the sixth line and inserting in lieu thereof "five miles", so that the subsection shall read as follows:

Acquiring
land outside
city or town
for future
school sites

- (1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Share of
licence fees
for trailers
to be paid
to boards

83a.—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same

SECTION 3. At present a board of a city or town may acquire land in an adjacent municipality within a distance of one mile from the limits of the city or town where it is probable that the limits of the city or town will be further extended to include such land. The amendment extends the limit to five miles.

SECTION 4. The new section provides that where licence fees for trailers are collected in a municipality, the council shall pay over to the appropriate school board a share of such licence fees in accordance with the new provision.

proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

- (2) Where the occupant of a trailer has given to the ^{Idem} clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality which is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Schools Administration* ^{Short title} *Amendment Act, 1957.*

BILL

An Act to amend
The Schools Administration Act, 1954

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNLOP

No. 48

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend
The Schools Administration Act, 1954

MR. DUNLOP

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The provision for erecting fences is transferred from *The Public Schools Act* and will henceforth apply to all school boards.

SECTION 2. The provisions under *The Municipal Act* providing for an oath of office do not include trustees of all school boards. The new section provides for a declaration of office and oath of allegiance to be completed by trustees of all school boards.

BILL

An Act to amend The Schools Administration Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Schools Administration Act, 1954* is 1954, c. 86, amended by adding thereto the following clause: s. 32, amended

(h) erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises.

2. *The Schools Administration Act, 1954* is amended by 1954, c. 86, adding thereto the following section: amended

38a.—(1) Except as provided in subsection 2, every person Declaration elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, A.B., do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at
.....in the
County or District of
.....this
.....day of
....., 19..

A.B.

(2) Where a person is elected or appointed to fill a idem vacancy on a board, he shall make such declaration

on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of
allegiance

- (3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	} A.B.
.....in	
the County or District	
of.....this	
.....day of	
....., 19..	

Filing of
declaration
and oath

- (4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be.

1954, c. 86,
s. 58, subs. 1,
amended

3. Subsection 1 of section 58 of *The Schools Administration Act, 1954* is amended by striking out "one mile" in the sixth line and inserting in lieu thereof "five miles", so that the subsection shall read as follows:

Acquiring
land outside
city or town
for future
school sites

- (1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Share of
licence fees
for trailers
to be paid
to boards

83a.—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total

SECTION 3. At present a board of a city or town may acquire land in an adjacent municipality within a distance of one mile from the limits of the city or town where it is probable that the limits of the city or town will be further extended to include such land. The amendment extends the limit to five miles.

SECTION 4. The new section provides that where licence fees for trailers are collected in a municipality, the council shall pay over to the appropriate school board a share of such licence fees in accordance with the new provision.



of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

- (2) Where the occupant of a trailer has given to the ^{Idem} clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality which is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

- (3) This section does not apply to trailer camps and trailer parks operated by a municipality. Application
to municipally-
operated
camps

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Schools Administration Amendment Act, 1957*. Short title

BILL

An Act to amend
The Schools Administration Act, 1954

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

MR. DUNLOP

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Schools Administration Act, 1954

MR. DUNLOP



No. 48

1957

BILL

An Act to amend The Schools Administration Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Schools Administration Act, 1954* is ^{1954, c. 86,} amended by adding thereto the following clause: ^{s. 32,} ^{amended}

(h) erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises.

2. *The Schools Administration Act, 1954* is amended by ^{1954, c. 86,} adding thereto the following section: ^{amended}

38a.—(1) Except as provided in subsection 2, every person ^{Declaration} elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, A.B., do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at
.....in the
County or District of
.....this
.....day of
....., 19..

A.B.

(2) Where a person is elected or appointed to fill a ^{Idem} vacancy on a board, he shall make such declaration

on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of
allegiance

- (3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	}	A.B.
.....in		
the County or District		
of.....this		
.....day of		
....., 19..		

Filing of
declaration
and oath

- (4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be.

1954, c. 86,
s. 58, subs. 1,
amended

3. Subsection 1 of section 58 of *The Schools Administration Act, 1954* is amended by striking out "one mile" in the sixth line and inserting in lieu thereof "five miles", so that the subsection shall read as follows:

Acquiring
land outside
city or town
for future
school sites

- (1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Share of
licence fees
for trailers
to be paid
to boards

83a.—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total

of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

- (2) Where the occupant of a trailer has given to the ^{Idem} clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality which is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

- (3) This section does not apply to trailer camps and trailer parks operated by a municipality. ^{Application to municipally-operated camps}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Schools Administration Amendment Act, 1957*. ^{Short title}

BILL.

An Act to amend
The Schools Administration Act, 1954

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

March 4th, 1957

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. The new subsection provides for changing the boundaries of a high school district in the territorial districts in a manner similar to that in counties.

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 14 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the ^{1954, c. 87,}
^{s. 14,} amended following subsection:

- (1a) Subject to the approval of the Minister, where a ^{Idem} high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district.

(2) Subsection 2 of the said section 14 is amended by ^{1954, c. 87,}
inserting after "1" in the second line "or 1a", so that the ^{s. 14, subs. 2,} amended subsection shall read as follows:

- (2) Where a municipality or part of a municipality is ^{Rates for} detached from a high school district under sub-
^{debt}section 1 or 1a, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister.

1954, c. 87,
s. 29,
amended

2. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

When vote
to be held

- (5a) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within sixty days of the receipt of the request from the board.

1954, c. 87,
s. 48,
amended

3. Section 48 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Members
to be
trustees

- (5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

1954, c. 87,
s. 76, cl. b,
re-enacted

4. Clause *b* of section 76 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (b) enter into an agreement or agreements for a term of one year with any corporation, commission or person for the transportation of such pupils, provided that where a board provides transportation for more than thirty pupils, with the approval of the Ontario Municipal Board it may enter into such an agreement or agreements for a term not exceeding five years.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1957*.

SECTION 2. The new subsection authorizes boards to require a council to hold a vote on an application for the issue of debentures for permanent improvements within sixty days of the request from the board.

SECTION 3. The amendment is to make it clear that members of a board of education appointed by a county council or separate school board are trustees for secondary school purposes only and that all other members are trustees for public and secondary school purposes.

SECTION 4. Boards are presently authorized to enter into agreements for the transportation of pupils. The amendment provides that an agreement shall be for one year except where transportation is furnished for more than 30 pupils in which case an agreement may be for a term up to 5 years with the approval of the Ontario Municipal Board.

BILL

An Act to amend
The Secondary Schools and
Boards of Education Act, 1954

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new subsection provides for changing the boundaries of a high school district in the territorial districts in a manner similar to that in counties.

No. 49

1957

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 14 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the ^{1954, c. 87} ^{s. 14,} ^{amended} following subsection:

(1a) Subject to the approval of the Minister, where a ^{Idem} high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district.

(2) Subsection 2 of the said section 14 is amended by ^{1954, c. 87,} ^{s. 14, subs. 2,} ^{amended} inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

(2) Where a municipality or part of a municipality is ^{Rates for} ^{debt} detached from a high school district under subsection 1 or 1a, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister.

1954, c. 87,
s. 29,
amended

2. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

When vote
to be held

(5a) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

1954, c. 87,
s. 48,
amended

3. Section 48 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Members
to be
trustees

(5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

1954, c. 87,
s. 76, cl. b,
re-enacted

4. Clause *b* of section 76 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

(b) enter into an agreement or agreements for a term of one year with any corporation, commission or person for the transportation of such pupils, provided that where a board provides transportation for more than thirty pupils, with the approval of the Ontario Municipal Board it may enter into such an agreement or agreements for a term not exceeding five years.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1957*.

SECTION 2. The new subsection authorizes boards to require a council to hold a vote on an application for the issue of debentures for permanent improvements within ninety days of the request from the board.

SECTION 3. The amendment is to make it clear that members of a board of education appointed by a county council or separate school board are trustees for secondary school purposes only and that all other members are trustees for public and secondary school purposes.

SECTION 4. Boards are presently authorized to enter into agreements for the transportation of pupils. The amendment provides that an agreement shall be for one year except where transportation is furnished for more than 30 pupils in which case an agreement may be for a term up to 5 years with the approval of the Ontario Municipal Board.

BILL

An Act to amend
The Secondary Schools and
Boards of Education Act, 1954

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

MR. DUNLOP

(Reprinted as amended by
the Committee on Education)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

MR. DUNLOP

No. 49

1957

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 14 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the ^{1954, c. 87} ^{s. 14,} amended following subsection:

(1a) Subject to the approval of the Minister, where a ^{Idem} high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district.

(2) Subsection 2 of the said section 14 is amended by ^{1954, c. 87,} ^{s. 14, subs. 2,} inserting after "1" in the second line "or 1a", so that the ^{amended} subsection shall read as follows:

(2) Where a municipality or part of a municipality is ^{Rates for} ^{debt} detached from a high school district under subsection 1 or 1a, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister.

1954, c. 87,
s. 29,
amended

2. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

When vote
to be held

- (5a) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

1954, c. 87,
s. 48,
amended

3. Section 48 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Members
to be
trustees

- (5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

1954, c. 87,
s. 76, cl. b,
re-enacted

4. Clause *b* of section 76 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (b) enter into an agreement or agreements for a term of one year with any corporation, commission or person for the transportation of such pupils, provided that where a board provides transportation for more than thirty pupils, with the approval of the Ontario Municipal Board it may enter into such an agreement or agreements for a term not exceeding five years.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1957*.

BILL

An Act to amend
The Secondary Schools and
Boards of Education Act, 1954

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

February 26th, 1957

MR. DUNLOP

No. 50

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Department of Education Act,
1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendment increases the amount that may be awarded by the Minister out of the Consolidated Revenue Fund as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside of Ontario from \$6,000 to \$8,000.

No. 50

1957

BILL

An Act to amend The Department of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act, 1954* ^{1954, c. 20,} is amended by striking out "\$6,000" in the second line and ^{s. 7,} amended inserting in lieu thereof "\$8,000", so that the section shall read as follows:

7. There shall be payable out of the Consolidated Revenue Fund annually the sum of \$8,000 to be ^{Scholarships for study outside Ontario} awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Department of Education* ^{Short title} *Amendment Act, 1957.*

BILL

An Act to amend
The Department of Education Act, 1954

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNLOP

No. 50

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Department of Education Act,
1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 50

1957

BILL

An Act to amend The Department of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act, 1954* ^{1954, c. 20,} is amended by striking out "\$6,000" in the second line and ^{s. 7,} amended inserting in lieu thereof "\$8,000", so that the section shall read as follows:

7. There shall be payable out of the Consolidated Revenue Fund annually the sum of \$8,000 to be awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario. ^{Scholarships for study outside Ontario}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Department of Education Amendment Act, 1957*. ^{Short title}

BILL

An Act to amend
The Department of Education Act, 1954

1st Reading

January 30th, 1957

2nd Reading

February 8th, 1957

3rd Reading

February 26th, 1957

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to protect the Interest of the Crown
in Lands Pledged for Purposes of Bail

MR. ROBERTS

EXPLANATORY NOTE

This Act secures the interest of the Crown in lands given as security in bail proceedings.

BILL

An Act to protect the Interest of the Crown in Lands Pledged for Purposes of Bail

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In cases in which a person has been committed for trial and is admitted to bail, the Crown attorney shall, and in any other case in which a person is admitted to bail the Crown attorney may, deliver or transmit a certificate of lien (Form 1) to the sheriff of the county in which the land mentioned therein is situate.

2. Upon the receipt of a certificate of lien, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

3.—(1) The sheriff forthwith upon the receipt of a certificate of lien affecting land under the land titles system shall deliver or transmit to the proper master of titles a copy of the certificate of lien without his endorsement.

(2) Upon the receipt of a copy of a certificate of lien, the proper master of titles shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

4. Where the land mentioned in the certificate of lien is under the land registry system, the Crown, as soon as the entry mentioned in section 2 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

5. Where the land mentioned in the certificate of lien is under the land titles system, the Crown, as soon as the entry

mentioned in subsection 2 of section 3 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

Certificate
re execution
against
lands

6. Where a certificate respecting executions against lands is required from a sheriff, master of titles or local master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown on the index book mentioned in section 2 or subsection 2 of section 3, as the case may be, that is the same as the name shown on the certificate of lien.

Crown
attorney
to deliver
or transmit
copy of
certificate
of discharge

7. As soon as a surety is discharged, the lien is discharged and the Crown attorney shall deliver or transmit a certificate of discharge (Form 2) to the sheriff to whom the certificate of lien was delivered or transmitted.

Disposal of
certificate
of lien in
sheriff's
office

8. Upon the receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to section 2.

Sheriff to
deliver or
transmit
copy of
certificate
of discharge
to master's
office

9.—(1) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff forthwith upon the receipt of the certificate of discharge shall deliver or transmit to the proper master of titles a copy of the certificate of discharge.

Disposal of
certificate
of lien in
land titles
office

(2) Upon the receipt of a copy of a certificate of discharge from the sheriff, the proper master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to subsection 2 of section 3.

Short title

10. This Act may be cited as *The Bail Act, 1957*.

FORM 1

CERTIFICATE OF LIEN

I,, Crown attorney for the.....
 of, hereby certify
 that of the
 of is a surety for bail in the
 sum of \$..... for the appearance of
 The surety has real property as follows:

Street address
 Lot and plan number.....

(or if in land titles)

Parcel number.....

Dated at, this day of
 19.....

.....
 Crown attorney
 for the County of.....

FORM 2

CERTIFICATE OF DISCHARGE

The certificate of lien, dated the day of,
 19....., where was named
 surety for the appearance of in the amount
 of \$....., is discharged.

Dated at, this day of
 19.....

.....
 Crown attorney
 for the County of.....

BILL

An Act to protect the Interest
of the Crown in Lands
Pledged for Purposes of Bail

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 51

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

**An Act to protect the Interest of the Crown
in Lands Pledged for Purposes of Bail**

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 51

1957

BILL

An Act to protect the Interest of the Crown in Lands Pledged for Purposes of Bail

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In cases in which a person has been committed for trial and is admitted to bail, the Crown attorney shall, and in any other case in which a person is admitted to bail the Crown attorney may, deliver or transmit a certificate of lien (Form 1) to the sheriff of the county in which the land mentioned therein is situate.

Crown
attorney
to deliver
or transmit
certificate
of lien

2. Upon the receipt of a certificate of lien, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

Endorse-
ment and
index book

3.—(1) The sheriff forthwith upon the receipt of a certificate of lien affecting land under the land titles system shall deliver or transmit to the proper master of titles a copy of the certificate of lien without his endorsement.

Sheriff to
deliver or
transmit
copy to
land titles
office

(2) Upon the receipt of a copy of a certificate of lien, the proper master of titles shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

Entry by
master of
titles in
index book

4. Where the land mentioned in the certificate of lien is under the land registry system, the Crown, as soon as the entry mentioned in section 2 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

Where land
constituted
in registry
system

5. Where the land mentioned in the certificate of lien is under the land titles system, the Crown, as soon as the entry

Where land
constituted
in land
titles
system

mentioned in subsection 2 of section 3 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

Certificate
re execution
against
lands

6. Where a certificate respecting executions against lands is required from a sheriff, master of titles or local master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown on the index book mentioned in section 2 or subsection 2 of section 3, as the case may be, that is the same as the name shown on the certificate of lien.

Crown
attorney
to deliver
or transmit
copy of
certificate
of discharge

7. As soon as a surety is discharged, the lien is discharged and the Crown attorney shall deliver or transmit a certificate of discharge (Form 2) to the sheriff to whom the certificate of lien was delivered or transmitted.

Disposal of
certificate
of lien in
sheriff's
office

8. Upon the receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to section 2.

Sheriff to
deliver or
transmit
copy of
certificate
of discharge
to master's
office

9.—(1) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff forthwith upon the receipt of the certificate of discharge shall deliver or transmit to the proper master of titles a copy of the certificate of discharge.

Disposal of
certificate
of lien in
land titles
office

(2) Upon the receipt of a copy of a certificate of discharge from the sheriff, the proper master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to subsection 2 of section 3.

Short title

10. This Act may be cited as *The Bail Act, 1957*.

FORM 1

CERTIFICATE OF LIEN

I,, Crown attorney for the
 of, hereby certify
 that of the
 of is a surety for bail in the
 sum of \$..... for the appearance of
 The surety has real property as follows:

Street address
 Lot and plan number.....

(or if in land titles)

Parcel number.....

Dated at, this day of
 19.....

.....
 Crown attorney
 for the County of.....

FORM 2

CERTIFICATE OF DISCHARGE

The certificate of lien, dated the day of,
 19....., where was named
 surety for the appearance of in the amount
 of \$....., is discharged.

Dated at, this day of
 19.....

.....
 Crown attorney
 for the County of.....

BILL

An Act to protect the Interest
of the Crown in Lands
Pledged for Purposes of Bail

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Change of Name Act

MR. ROBERTS

EXPLANATORY NOTE

The subsection as re-enacted has three points in view,

- (i) to permit a married woman to adopt her maiden name after her marriage is annulled in the same way as she may now do if her marriage is dissolved by divorce;
- (ii) to bring up to date the references to sections of other Acts;
- (iii) to simplify the structure of the provision.

No. 52

1957

BILL

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Change of Name Act* R.S.O. 1950, c. 47, s. 2, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Subject to section 12 of *The Vital Statistics Act* and Compliance with Act section 77 of *The Child Welfare Act, 1954*, no person R.S.O. 1950, c. 412; 1954, c. 8 shall change his name except under this Act, or except in the case of a change of surname to that of her husband by a woman upon her marriage, or except in the case of the adoption of her maiden name by a woman upon the annulment or dissolution of her marriage.

2. This Act may be cited as *The Change of Name Amendment Act, 1957*. Short title

BILL

An Act to amend
The Change of Name Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

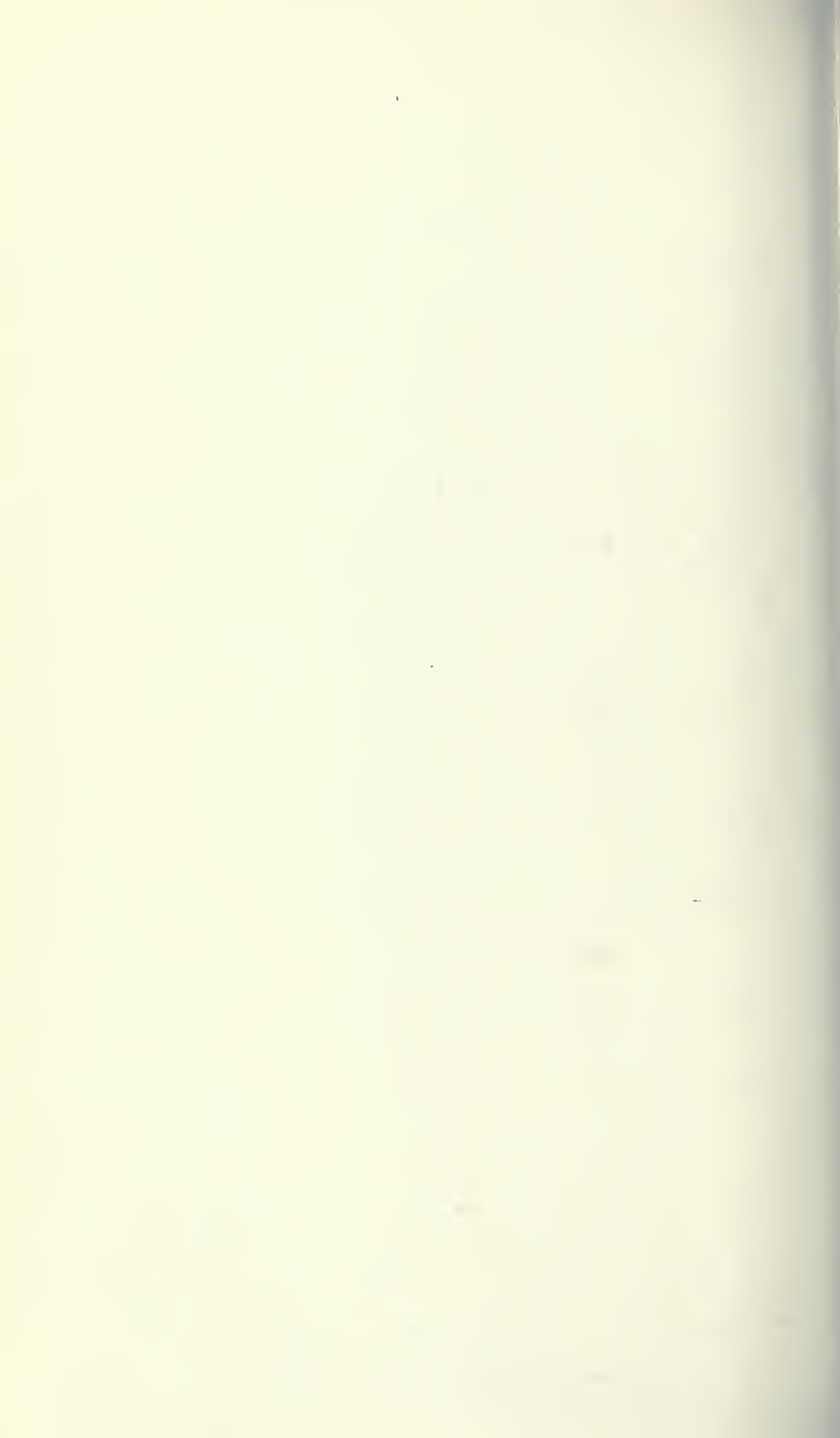
No. 52

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Change of Name Act

MR. ROBERTS



No. 52

1957

BILL

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Change of Name Act* R.S.O. 1950, c. 47, s. 2, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Subject to section 12 of *The Vital Statistics Act* and section 77 of *The Child Welfare Act, 1954*, no person shall change his name except under this Act, or except in the case of a change of surname to that of her husband by a woman upon her marriage, or except in the case of the adoption of her maiden name by a woman upon the annulment or dissolution of her marriage.

2. This Act may be cited as *The Change of Name Amendment Act, 1957*. Short title

An Act to amend
The Change of Name Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

Mr. ROBERTS

No. 53

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Credit Unions Act, 1953

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment corrects the reference in the exception bringing it into line with the 1956 amendments.

The effect of the exception is that a credit union may loan money to other credit unions and in certain circumstances deposit moneys with and make loans to credit union leagues.

SECTION 2. Self-explanatory.

No. 53

1957

BILL

An Act to amend The Credit Unions Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Credit Unions Act*, 1953, c. 26, 1953, as amended by subsection 1 of section 9 of *The Credit Unions Amendment Act*, 1954, is further amended by striking out "c and d" in the amendment of 1954 and inserting in lieu thereof "a and b of subsection 2", so that the subsection shall read as follows:

- (1) Subject to clauses a and b of subsection 2 of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members. Advances to members only

2. Section 49 of *The Credit Unions Act*, 1953 is amended by adding thereto the following subsections: 1953, c. 26, s. 49, amended

- (7) Any competent person authorized by a league incorporated under this section may examine into the affairs of any credit union that is a member of the league and for such purpose he shall be given access to all books, records and other documents of the credit union and he may make whatever inquiries are necessary to ascertain its true condition and its ability to provide for the payment of its liabilities as they become due and the officers and employees of the credit union shall facilitate him in his examination and inquiry. Examination of credit union by league
- (8) Where, as a result of an examination under subsection 7, it appears that the assets of the credit union are shown in the statement mentioned in section 45 or in its records at an amount greater than their true value or that its records are inadequate to show its true financial position, or that it is being managed improperly, the league shall immediately report such information to the super- Report to supervisor

visor, and the league shall upon the request of the supervisor furnish him with such information as he may require regarding or resulting from the examination.

Short title

3. This Act may be cited as *The Credit Unions Amendment Act, 1957*.

BILL

An Act to amend
The Credit Unions Act, 1953

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 53

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Credit Unions Act, 1953

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 53

1957

BILL

An Act to amend The Credit Unions Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Credit Unions Act*, 1953, c. 26, 1953, as amended by subsection 1 of section 9 of *The Credit Unions Amendment Act*, 1954, is further amended by striking out "c and d" in the amendment of 1954 and inserting in lieu thereof "a and b of subsection 2", so that the subsection shall read as follows:

- (1) Subject to clauses a and b of subsection 2 of section 4, ^{Advances to members} no credit union shall advance money by discount, only loan or otherwise to, or accept deposits from, persons other than its members.

2. Section 49 of *The Credit Unions Act*, 1953 is amended ^{1953, c. 26, s. 49, amended} by adding thereto the following subsections:

- (7) Any competent person authorized by a league ^{Examination of credit union by league} incorporated under this section may examine into the affairs of any credit union that is a member of the league and for such purpose he shall be given access to all books, records and other documents of the credit union and he may make whatever inquiries are necessary to ascertain its true condition and its ability to provide for the payment of its liabilities as they become due and the officers and employees of the credit union shall facilitate him in his examination and inquiry.

- (8) Where, as a result of an examination under sub- ^{Report to supervisor} section 7, it appears that the assets of the credit union are shown in the statement mentioned in section 45 or in its records at an amount greater than their true value or that its records are inadequate to show its true financial position, or that it is being managed improperly, the league shall immediately report such information to the super-

visor, and the league shall upon the request of the supervisor furnish him with such information as he may require regarding or resulting from the examination.

Short title

3. This Act may be cited as *The Credit Unions Amendment Act, 1957*.

BILL

An Act to amend
The Credit Unions Act, 1953

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend

The Deserted Wives' and Children's Maintenance Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. These amendments are designed to clarify the intent of the Act so as to ensure that a judge may order a father to pay up to \$20 a week for the support of each child whom he has deserted.

SECTION 2. This section is new. It is self-explanatory.

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out “but such sum shall not exceed a rate of \$20 a week with or without costs” in the tenth and eleventh lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 102, s. 2,
subs. 1,
amended

(1) A father who has deserted his child may be sum- Order for
maintenance
of child
moned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support.

(2) The said section 2 is amended by adding thereto the R.S.O. 1950,
c. 102, s. 2,
amended
following subsection:

(1a) The sum that a father may be ordered to pay under Maximum
sum
subsection 1 for the support of each child deserted by him shall not exceed a sum calculated at the rate of \$20 a week with or without costs.

2. *The Deserted Wives' and Children's Maintenance Act* is R.S.O. 1950,
c. 102,
amended
amended by adding thereto the following section:

2a. Where the justice of the peace before whom an Warrant
for
arrest
information is laid under section 1 or 2 is satisfied that the husband or father, as the case may be, is

about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may, with the written approval of a magistrate or judge of a juvenile and family court, issue a warrant for the arrest of the husband or father in the form in the Schedule to this Act.

R.S.O. 1950,
c. 102, s. 3,
re-enacted

3. Section 3 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Interpre-
tation
R.S.O. 1950,
c. 291
1954, c. 41

3.—(1) In this section, "officer" means a probation officer appointed under *The Probation Act* or *The Juvenile and Family Courts Act, 1954* or a local director of a children's aid society and includes any official of the Department of Public Welfare or of any municipality who is designated by the Minister of Public Welfare as an officer for the purposes of this section.

Order to
report to
officer

(2) Where an order for the payment of maintenance or support is made under this Act and the person for whose benefit the order was made is a public charge or where the judge or magistrate making the order is of opinion that if default should occur in complying with the order the person for whose benefit the order was made may become a public charge, the judge or magistrate may order the person required to make the payments to report to such officer as he designates at such times and during such period and at such place as he considers necessary to ensure that the order for payment will be complied with.

Change of
officer

(3) The judge or magistrate may at any time by further order designate another officer for the purposes of subsection 2.

Failure to
report

(4) Every person who without reasonable excuse fails to report to an officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Certificate
of order

(5) An order made under this Act that is certified by the judge or magistrate who made it or a certificate of a judge or magistrate as to the making of such an order by him is receivable in evidence in a prosecution under subsection 4 as proof of the making of the order without proof of the office or signature of the judge or magistrate so certifying.

SECTION 3. The section is re-enacted in order to bring up to date the definition of "officer"; to make the judge's power in subsection 2 permissive rather than mandatory; and generally to clarify the intent of the section.

SECTION 4. This form is new. It is complementary to section 2 of this bill.

4. The Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following form: R.S.O. 1950,
c. 102,
Sched.,
amended

THE DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT

WARRANT TO ARREST

(Section 2a)

Province of Ontario
of

To the peace officers in the said

Whereas an information has been laid against
of under *The Deserted Wives' and Children's Maintenance Act*; and whereas I am satisfied that the said
..... is about to quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said and bring him before
..... to be dealt with according to law.

Dated at this day of, 19...

.....
Justice of the Peace

The issue of the above Warrant to Arrest is approved by me.

Dated at this day of, 19....

.....
Judge or Magistrate

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1957*. Short title

BILL

An Act to amend
The Deserted Wives' and Children's
Maintenance Act

1st Reading

30th January, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Deserted Wives' and Children's Maintenance Act

MR. ROBERTS

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out “but such sum shall not exceed a rate of \$20 a week with or without costs” in the tenth and eleventh lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 102, s. 2,
subs. 1,
amended

(1) A father who has deserted his child may be summoned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support. Order for
maintenance
of child

(2) The said section 2 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 102, s. 2,
amended

(1a) The sum that a father may be ordered to pay under subsection 1 for the support of each child deserted by him shall not exceed a sum calculated at the rate of \$20 a week with or without costs. Maximum
sum

2. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 102,
amended

2a. Where the justice of the peace before whom an information is laid under section 1 or 2 is satisfied that the husband or father, as the case may be, is Warrant
for
arrest

about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may, with the written approval of a magistrate or judge of a juvenile and family court, issue a warrant for the arrest of the husband or father in the form in the Schedule to this Act.

R.S.O. 1950,
c. 102, s. 3,
re-enacted

3. Section 3 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Interpre-
tation

R.S.O. 1950,
c. 291
1954, c. 41

3.—(1) In this section, "officer" means a probation officer appointed under *The Probation Act* or *The Juvenile and Family Courts Act, 1954* or a local director of a children's aid society and includes any official of the Department of Public Welfare or of any municipality who is designated by the Minister of Public Welfare as an officer for the purposes of this section.

Order to
report to
officer

(2) Where an order for the payment of maintenance or support has been made under this Act and the person for whose benefit the order was made is a public charge or where the judge or magistrate who made the order is of opinion that if default should occur in complying with the order the person for whose benefit the order was made may become a public charge, the judge or magistrate may order the person required to make the payments to report to such officer as he designates at such times and during such period and at such place as he considers necessary to ensure that the order for payment will be complied with.

Change of
officer

(3) The judge or magistrate may at any time by further order designate another officer for the purposes of subsection 2.

Failure to
report

(4) Every person who without reasonable excuse fails to report to an officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Certificate
of order

(5) An order made under this Act that is certified by the judge or magistrate who made it or a certificate of a judge or magistrate as to the making of such an order by him is receivable in evidence in a prosecution under subsection 4 as proof of the making of the order without proof of the office or signature of the judge or magistrate so certifying.

4. The Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following form: R.S.O. 1950,
c. 102,
Sched.,
amended

THE DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT

WARRANT TO ARREST

(Section 2a)

Province of Ontario
of

To the peace officers in the said

Whereas an information has been laid against
of under *The Deserted Wives' and Children's
Maintenance Act*; and whereas I am satisfied that the said
..... is about to quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said and bring him before
..... to be dealt with according to law.

Dated at this day of, 19...

.....
Justice of the Peace

The issue of the above Warrant to Arrest is approved by me.

Dated at this day of, 19....

.....
Judge or Magistrate

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1957*. Short title

An Act to amend
The Deserted Wives' and Children's
Maintenance Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 55

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The General Sessions Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. The commencement day for the fall sittings of the court in the county of Simcoe was changed by Ontario Regulations 43/56 from the third Monday in October to the last Monday in October. This amendment makes a corresponding change in the Act thus bringing it up to date.

SECTION 2. The reference to "deputy judge" is deleted as there are no longer any deputy judges in these courts. "Acting judge" is substituted as there are acting judges in these courts from time to time.

No. 55

1957

BILL

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The General Sessions Act* is amended by striking out "third" in the third line and inserting in lieu thereof "last", so that the subsection shall read as follows: R.S.O. 1950,
c. 158, s. 3,
subs. 5,
amended

(5) In the county of Simcoe the sittings of the court in Simcoe each year shall commence on the first Monday in June and the last Monday in October.

2. Section 7 of *The General Sessions Act* is amended by striking out "deputy" in the second line and inserting in lieu thereof "an acting", so that the section shall read as follows: R.S.O. 1950,
c. 158, s. 7,
amended

7. The judge of the county or district court, as the case may be, or a junior or an acting judge shall be the chairman of the court and shall preside at the sittings thereof. Who may
preside

3. This Act may be cited as *The General Sessions Amendment Act, 1957*. Short title

BILL

An Act to amend
The General Sessions Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend The General Sessions Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. The commencement day for the fall sittings of the court in the county of Simcoe was changed by Ontario Regulations 43/56 from the third Monday in October to the last Monday in November. This amendment makes a corresponding change in the Act thus bringing it up to date.

SECTION 2. The reference to "deputy judge" is deleted as there are no longer any deputy judges in these courts. "Acting judge" is substituted as there are acting judges in these courts from time to time.

No. 55

1957

BILL

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The General Sessions Act* ^{R.S.O. 1950, c. 158, s. 3, sub. 5, amended} is amended by striking out "third Monday in October" in the third line and inserting in lieu thereof "last Monday in November", so that the subsection shall read as follows:

- (5) In the county of Simcoe the sittings of the court in ^{Simcoe} each year shall commence on the first Monday in June and the last Monday in November.

2. Section 7 of *The General Sessions Act* is amended by ^{R.S.O. 1950, c. 158, s. 7, amended} striking out "deputy" in the second line and inserting in lieu thereof "an acting", so that the section shall read as follows:

7. The judge of the county or district court, as the case ^{who may preside} may be, or a junior or an acting judge shall be the chairman of the court and shall preside at the sittings thereof.

3. This Act may be cited as *The General Sessions Amend- Short title ment Act, 1957*.

BILL

An Act to amend
The General Sessions Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The General Sessions Act

MR. ROBERTS

No. 55

1957

BILL

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The General Sessions Act* is amended by striking out "third Monday in October" in the third line and inserting in lieu thereof "last Monday in November", so that the subsection shall read as follows: R.S.O. 1950, c. 158, s. 3, subs. 5, amended

(5) In the county of Simcoe the sittings of the court in each year shall commence on the first Monday in June and the last Monday in November. Simcoe

2. Section 7 of *The General Sessions Act* is amended by striking out "deputy" in the second line and inserting in lieu thereof "an acting", so that the section shall read as follows: R.S.O. 1950, c. 158, s. 7, amended

7. The judge of the county or district court, as the case may be, or a junior or an acting judge shall be the chairman of the court and shall preside at the sittings thereof. who may preside

3. This Act may be cited as *The General Sessions Amendment Act, 1957*. Short title

BILL

An Act to amend
The General Sessions Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 56

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Judges' Orders Enforcement Act

MR. ROBERTS

EXPLANATORY NOTE

One of the three ways under the present section of appealing to the Court of Appeal is by leave of a judge of the Supreme Court.

In *Re Palmer* [1955] O.W.N. 698 the Court of Appeal held that it has no jurisdiction to hear an appeal from the order of a judge of the Supreme Court refusing leave to appeal.

In order to permit applications for leave to appeal to be passed upon by the Court of Appeal, this bill substitutes the Court of Appeal for a judge of the Supreme Court.

Subsection 2 of the present section, which states that the decision of the Court of Appeal is final, is not re-enacted. It is in fact without effect as the Legislature has no power to restrict or add to the jurisdiction of the Supreme Court of Canada which is now the only court to which a further appeal can go.

No. 56

1957

BILL

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is R.S.O. 1950, c. 189, s. 3, repealed and the following substituted therefor: re-enacted

3. An appeal lies from any order made by a judge as Appeal *persona designata* to the Court of Appeal,

(a) if the right of appeal is given by the statute under which the judge acted; or

(b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Court of Appeal.

2. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1957*. Short title

BILL

An Act to amend
The Judges' Orders Enforcement Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 56

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Judges' Orders Enforcement Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 56

1957

BILL

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is R.S.O. 1950, repealed and the following substituted therefor: c. 189, s. 3, re-enacted

3. An appeal lies from any order made by a judge as Appeal *persona designata* to the Court of Appeal,

- (a) if the right of appeal is given by the statute under which the judge acted; or
- (b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Court of Appeal.

2. This Act may be cited as *The Judges' Orders Enforce-* Short title
ment Amendment Act, 1957.

An Act to amend
The Judges' Orders Enforcement Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 57

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend
The Loan and Trust Corporations Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The effect of this new subsection is to limit second mortgage investments by loan and trust corporations.

SECTION 2. Under the Act a loan corporation, a lending land corporation or a trust company must collect money due on account of its shares to provide the necessary capital before it can be registered. The provision now amended in effect states that only a registered corporation can collect such money. The amendment removes this anomaly.

No. 57

1957

BILL

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 119 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 214, s. 119, amended

- (4a) A corporation that invests in or purchases mortgages, charges or hypothecs on real estate or that lends money on the security of real estate shall not be registered unless at least 95 per cent of such investments, purchases or loans are or are secured by first mortgages, charges or hypothecs. Minimum mortgage holdings

2. Subsection 2 of section 129 of *The Loan and Trust Corporations Act* is amended by striking out "or any collecting or taking of money on account of shares or of loans or advances" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1950, c. 214, s. 129, subs. 2, amended

- (2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section. Certain matters to be deemed business

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1957*. Short title

BILL

An Act to amend
The Loan and Trust
Corporations Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 57

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Loan and Trust Corporations Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 57

1957

BILL

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 119 of *The Loan and Trust Corporations Act* R.S.O. 1950, c. 214, s. 119, is amended by adding thereto the following subsection: amended

(4a) A corporation that invests in or purchases mortgages, Minimum mortgage holdings charges or hypothecs on real estate or that lends money on the security of real estate shall not be registered unless at least 95 per cent of such investments, purchases or loans are or are secured by first mortgages, charges or hypothecs.

2. Subsection 2 of section 129 of *The Loan and Trust Corporations Act* R.S.O. 1950, c. 214, s. 129, is amended by striking out "or any collecting subs. 2, amended or taking of money on account of shares or of loans or advances" in the sixth and seventh lines, so that the subsection shall read as follows:

(2) Any setting up or exhibiting of a sign or inscription Certain matters to be deemed undertaking business containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1957*. Short title

BILL

An Act to amend
The Loan and Trust
Corporations Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 58

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Probation Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Section 7 of the Act provides for release on probation of persons charged with offences against Ontario statutes.

Subsection 5 of section 7 provides that where there has been a previous conviction against the person charged, he may be released on probation by the court only with the concurrence of the Crown attorney.

The effect of the repeal of subsection 5 will be to place the discretion in these cases entirely in the court, thus bringing the Act into line in this respect with the principles of the *Criminal Code* (Canada).

No. 58

1957

BILL

An Act to amend The Probation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 7 of *The Probation Act* is repealed. R.S.O. 1950,
c. 291, s. 7,
subs. 5,
repealed
2. This Act may be cited as *The Probation Amendment Act, 1957*. Short title

BILL

An Act to amend
The Probation Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Probation Act

MR. ROBERTS

No. 58

1957

BILL

An Act to amend The Probation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 7 of *The Probation Act* is repealed. R.S.O. 1950,
c. 291, s. 7,
subs. 5,
repealed
2. This Act may be cited as *The Probation Amendment Act, 1957*. Short title

BILL

An Act to amend
The Probation Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 59

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Real Estate and Business Brokers Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The term "official" is used in clause *b* of subsection 1 of section 3 of the Act and defines persons who may act on behalf of a partnership or company trading in real estate and who will be required to be registered as a broker in addition to the partnership or company which he represents.

SECTION 2. The change in clause *b* is to require both the official *and* his partnership or company to be registered as brokers. Under the present clause only one *or* the other is required to be registered.

Clause *c* is not re-enacted as it is no longer required in view of clause *aa* enacted in 1954.

SECTION 3. The section as re-enacted more clearly sets out the administrative practices of the Registrar of Real Estate and Business Brokers. Also, the time for renewal of registrations is extended one month in order to lessen the congestion in connection with these and other renewals in the Department of Insurance.

BILL

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 1, cl. *c*, re-enacted

- (*c*) "official" means president, vice-president, secretary, treasurer, secretary-treasurer or general manager of a partnership or company, or the manager of the real estate department of a trust company.

2. Clauses *b* and *c* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 3, subs. 1, cl. *b*, re-enacted: cl. *c*, repealed

- (*b*) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he and the partnership or company are registered as brokers.

3. Section 14 of *The Real Estate and Business Brokers Act*, R.S.O. 1950, c. 332, s. 14, re-enacted as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1955*, is repealed and the following substituted therefor:

14. Every registration and renewal of registration lapses on the 30th day of April in each year and every registered broker shall apply, on the form prescribed by the Registrar, for renewal of his own registration and the registration of his currently registered salesmen on or before the 20th day of April giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for the broker and his salesmen as upon a first application. Termination and renewal of registration

R.S.O. 1950,
c. 332, s. 39,
amended

4. Section 39 of *The Real Estate and Business Brokers Act* is amended by adding at the commencement thereof "Subject to section 49", so that the section, exclusive of the clauses, shall read as follows:

Idem

39. Subject to section 49, no action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate,

.

R.S.O. 1950,
c. 332, s. 40,
re-enacted

5. Section 40 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Promises to
re-sell, etc.,
prohibited

40. No broker or salesman shall, as an inducement to purchase, sell or exchange real estate, make any representation that he or any other person will,

(a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;

(b) purchase or sell any of the purchaser's real estate;

(c) procure a mortgage, extension of a mortgage, lease or extension of a lease; or

(d) purchase or sell a mortgage or procure a loan,

unless at the time of making the representation the broker or salesman making it delivers to the person to whom the representation is made a statement signed by the broker or salesman clearly setting forth the representation made.

R.S.O. 1950,
c. 332, s. 49,
re-enacted

6. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Breaking
of contract
prohibited

49.—(1) No broker or salesman shall induce any party to a contract for sale or rental of real estate to break the contract for the purpose of entering into another such contract.

Commission

(2) Unless agreed to in writing by the vendor, no broker is entitled to claim commission from him in respect of a trade in real estate if the real estate is to the knowledge of the broker covered by an unexpired exclusive listing agreement with another broker.

R.S.O. 1950,
c. 332, s. 50,
subs. 1,
amended

7.—(1) Subsection 1 of section 50 of *The Real Estate and Business Brokers Act* is amended by inserting after "broker" where it occurs the second time in the second line "or his

SECTION 4. This amendment is complementary to section 6 of this bill.

SECTION 5. Section 40 of the Act is re-enacted in order to make it clear that the representation must be an inducement to purchase, sell or exchange. The new provision also broadens the types of representations prohibited.

SECTION 6. The present section prohibits a broker or salesman from inducing a party to break a contract and enter into a contract with another principal.

Subsection 1 of the proposed section goes further and prohibits brokers and salesmen from inducing a party to break a contract and enter into another contract either with the same or another principal.

Subsection 2 is new. It is self-explanatory.

SECTION 7. These amendments are made for the purpose of clarity only.

salesman, as the case may be" and by striking out "concluded" in the third line and inserting in lieu thereof "signed by the parties", so that the subsection shall read as follows:

- (1) Where a trade in a business is negotiated by a broker or his salesman, the broker or his salesman, as the case may be, shall, before a binding agreement of purchase and sale is signed by the parties, deliver to the person acquiring the business, ^{Statements to be delivered in purchase of business}

- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business; and
- (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Subsection 2 of the said section 50 is amended by ^{R.S.O. 1950, c. 332, s. 50, sub. 2, amended} inserting after "broker" where it occurs in the first and nineteenth lines respectively "or salesman, as the case may be", so that the subsection shall read as follows:

- (2) Where the broker or salesman, as the case may be, ^{Waiver} delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth,
- (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on; and
 - (b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on; and
 - (c) all liabilities of the business; and

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker or salesman, as the case may be, a statement that he has received and read the statement under oath of the person disposing of the business.

R.S.O. 1950,
c. 332, s. 52,
subs. 1,
amended

8.—(1) Subsection 1 of section 52 of *The Real Estate and Business Brokers Act* is amended by striking out "or salesman" in the third line, so that the subsection shall read as follows:

Agreement
to list
real estate
with
broker

- (1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker, deliver to the person who has signed the agreement a true copy thereof.

R.S.O. 1950,
c. 332, s. 52,
subs. 2,
amended

(2) Subsection 2 of the said section 52, as amended by section 3 of *The Real Estate and Business Brokers Amendment Act, 1952*, is repealed and the following substituted therefor:

Expiry of
agreement

- (2) An agreement with a broker to list real estate for sale, exchange, lease or rental is not valid,
- (a) if it does not contain a provision that it will expire on a certain date specified therein;
 - (b) if it contains a provision for more than one date on which it may expire; or
 - (c) if a true copy of it is not delivered by the broker or his salesman to the other party immediately after its execution.

R.S.O. 1950,
c. 332, s. 59,
amended

9. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out "shall annually" in the first line and inserting in lieu thereof "may, from time to time" and by striking out "in accordance with the regulations" in the second and third lines, so that the section shall read as follows:

List of
registered
persons to
be
published

59. The Registrar may, from time to time, prepare, publish and distribute a list of all persons registered under this Act.

Short title

10. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1957*.

SECTION 8.—Subsection 1. The words “or salesman” are deleted because listing agreements are made with brokers and not with salesmen.

Subsection 2. The provision is re-enacted in order to nvalidate listing agreements that continue in force to a specified date and thereafter continue until notice of cancellation is given by one party to the other.

SECTION 9. Self-explanatory.

BILL

An Act to amend
The Real Estate and Business
Brokers Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Real Estate and Business Brokers Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The term "official" is used in clause *b* of subsection 1 of section 3 of the Act and defines persons who may act on behalf of a partnership or company trading in real estate and who will be required to be registered as a broker in addition to the partnership or company which he represents.

SECTION 2. The change in clause *b* is to require both the official *and* his partnership or company to be registered as brokers. Under the present clause only one *or* the other is required to be registered.

Clause *c* is not re-enacted as it is no longer required in view of clause *aa* enacted in 1954.

SECTION 3. The section as re-enacted more clearly sets out the administrative practices of the Registrar of Real Estate and Business Brokers. Also, the time for renewal of registrations is extended one month in order to lessen the congestion in connection with these and other renewals in the Department of Insurance.

BILL

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 1, cl. *c*, re-enacted

(*c*) "official" means president, vice-president, secretary, treasurer, secretary-treasurer or general manager of a partnership or company, or the manager of the real estate department of a trust company.

2. Clauses *b* and *c* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 3, subs. 1, cl. *b*, re-enacted; cl. *c*, repealed

(*b*) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he and the partnership or company are registered as brokers.

3. Section 14 of *The Real Estate and Business Brokers Act*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 14, re-enacted

14. Every registration and renewal of registration lapses on the 30th day of April in each year and every registered broker shall apply, on the form prescribed by the Registrar, for renewal of his own registration and the registration of his currently registered salesmen on or before the 20th day of April giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for the broker and his salesmen as upon a first application. Termination and renewal of registration

R.S.O. 1950,
c. 332, s. 39,
amended

4. Section 39 of *The Real Estate and Business Brokers Act* is amended by adding at the commencement thereof "Subject to section 49", so that the section, exclusive of the clauses, shall read as follows:

Idem

39. Subject to section 49, no action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate,

R.S.O. 1950,
c. 332, s. 40,
re-enacted

5. Section 40 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Promises to
re-sell, etc.,
prohibited

40. No broker or salesman shall, as an inducement to purchase, sell or exchange real estate, make any representation or promise that he or any other person will,

- (a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;
- (b) purchase or sell any of the purchaser's real estate;
- (c) procure a mortgage, extension of a mortgage, lease or extension of a lease; or
- (d) purchase or sell a mortgage or procure a loan,

unless at the time of making the representation or promise the broker or salesman making it delivers to the person to whom the representation or promise is made a statement signed by the broker or salesman clearly setting forth all the details of the representation or promise made.

R.S.O. 1950,
c. 332, s. 49,
re-enacted

6. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Breaking
of contract
prohibited

49.—(1) No broker or salesman shall induce any party to a contract for sale or rental of real estate to break the contract for the purpose of entering into another such contract.

Commission

(2) Unless agreed to in writing by the vendor, no broker is entitled to claim commission from him in respect of a trade in real estate if the real estate is to the knowledge of the broker covered by an unexpired exclusive listing agreement with another broker.

R.S.O. 1950,
c. 332, s. 50,
subs. 1,
amended

7.—(1) Subsection 1 of section 50 of *The Real Estate and Business Brokers Act* is amended by inserting after "broker"

SECTION 4. This amendment is complementary to section 6 of this bill.

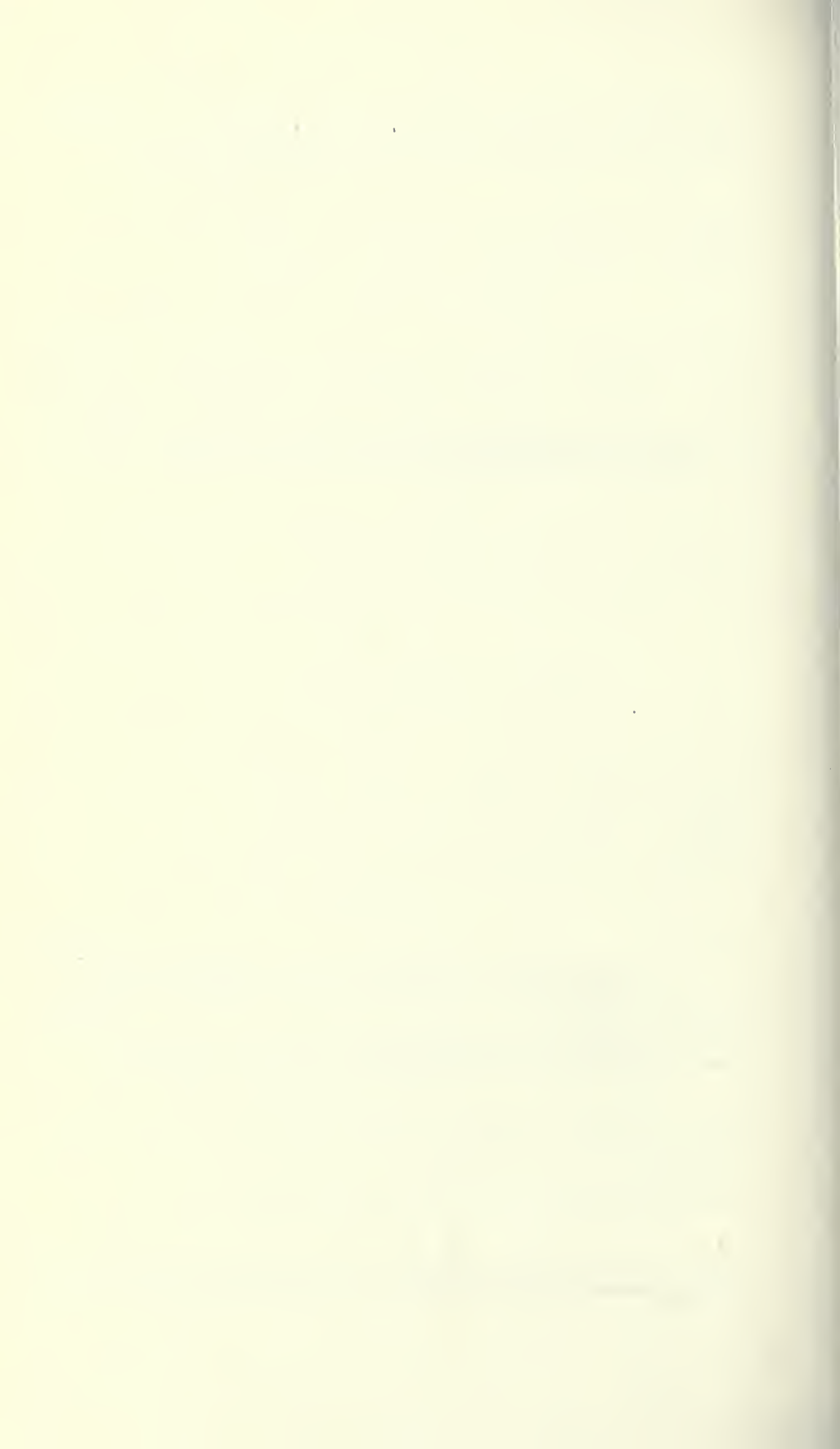
SECTION 5. Section 40 of the Act is re-enacted in order to make it clear that the representation must be an inducement to purchase, sell or exchange. The new provision also broadens the types of representations prohibited.

SECTION 6. The present section prohibits a broker or salesman from inducing a party to break a contract and enter into a contract with another principal.

Subsection 1 of the proposed section goes further and prohibits brokers and salesmen from inducing a party to break a contract and enter into another contract either with the same or another principal.

Subsection 2 is new. It is self-explanatory.

SECTION 7. These amendments are made for the purpose of clarity only.



where it occurs the second time in the second line "or his salesman, as the case may be" and by striking out "concluded" in the third line and inserting in lieu thereof "signed by the parties", so that the subsection shall read as follows:

- (1) Where a trade in a business is negotiated by a broker ^{Statements to be delivered in purchase of business} or his salesman, the broker or his salesman, as the case may be, shall, before a binding agreement of purchase and sale is signed by the parties, deliver to the person acquiring the business,

- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business; and
- (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Subsection 2 of the said section 50 is amended by ^{R.S.O. 1950, c. 332, s. 50, subs. 2, amended} inserting after "broker" where it occurs in the first and nineteenth lines respectively "or salesman, as the case may be", so that the subsection shall read as follows:

- (2) Where the broker or salesman, as the case may be, ^{Waiver} delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth,
- (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on; and
 - (b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on; and
 - (c) all liabilities of the business; and

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker or salesman, as the case may be, a statement that he has received and read the statement under oath of the person disposing of the business.

R.S.O. 1950,
c. 332, s. 52,
subs. 1,
amended

8.—(1) Subsection 1 of section 52 of *The Real Estate and Business Brokers Act* is amended by striking out “or salesman” in the third line, so that the subsection shall read as follows:

Agreement
to list
real estate
with
broker

- (1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker, deliver to the person who has signed the agreement a true copy thereof.

R.S.O. 1950,
c. 332, s. 52,
subs. 2,
amended

(2) Subsection 2 of the said section 52, as amended by section 3 of *The Real Estate and Business Brokers Amendment Act, 1952*, is repealed and the following substituted therefor:

Expiry of
agreement

- (2) An agreement with a broker to list real estate for sale, exchange, lease or rental is not valid,
- (a) if it does not contain a provision that it will expire on a certain date specified therein;
- (b) if it contains a provision for more than one date on which it may expire; or
- (c) if a true copy of it is not delivered by the broker or his salesman to the other party immediately after its execution.

R.S.O. 1950,
c. 332, s. 59,
amended

9. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out “shall annually” in the first line and inserting in lieu thereof “may, from time to time” and by striking out “in accordance with the regulations” in the second and third lines, so that the section shall read as follows:

List of
registered
persons to
be
published

59. The Registrar may, from time to time, prepare, publish and distribute a list of all persons registered under this Act.

Short title

10. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1957*.

SECTION 8.—Subsection 1. The words “or salesman” are deleted because listing agreements are made with brokers and not with salesmen.

Subsection 2. The provision is re-enacted in order to invalidate listing agreements that continue in force to a specified date and thereafter continue until notice of cancellation is given by one party to the other.

SECTION 9. Self-explanatory.



BILL

An Act to amend
The Real Estate and Business
Brokers Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

MR. ROBERTS

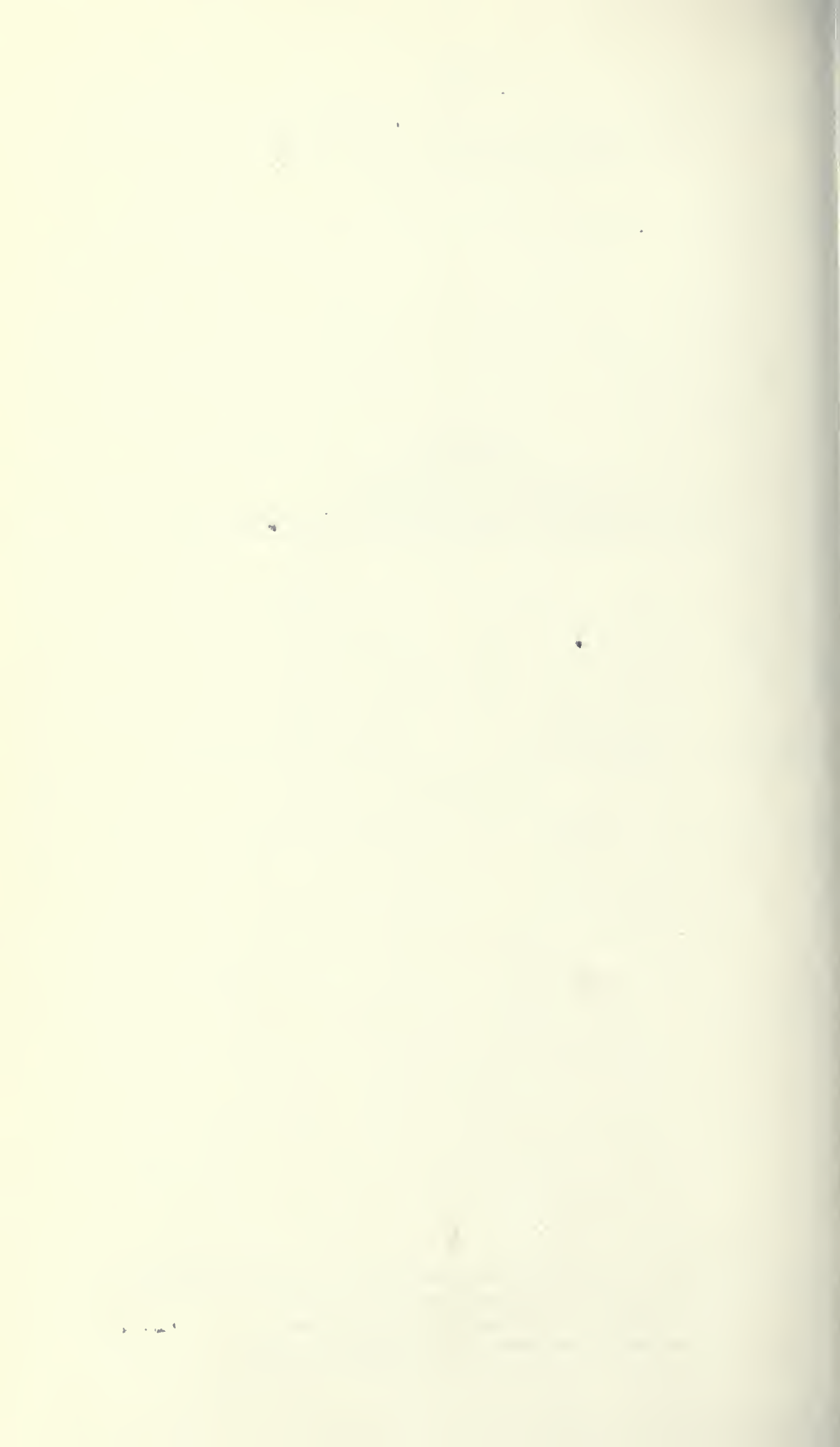
*(Reprinted as amended by the
Committee on Legal Bills)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Real Estate and Business Brokers Act

MR. ROBERTS



No. 59

1957

BILL

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 1, re-enacted

- (c) "official" means president, vice-president, secretary, treasurer, secretary-treasurer or general manager of a partnership or company, or the manager of the real estate department of a trust company.

2. Clauses *b* and *c* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 3, subs. 1, cl. b, re-enacted; cl. c, repealed

- (b) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he and the partnership or company are registered as brokers.

3. Section 14 of *The Real Estate and Business Brokers Act*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 14, re-enacted

14. Every registration and renewal of registration lapses on the 30th day of April in each year and every registered broker shall apply, on the form prescribed by the Registrar, for renewal of his own registration and the registration of his currently registered salesmen on or before the 20th day of April giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for the broker and his salesmen as upon a first application. Termination and renewal of registration

R.S.O. 1950,
c. 332, s. 39,
amended

4. Section 39 of *The Real Estate and Business Brokers Act* is amended by adding at the commencement thereof "Subject to section 49", so that the section, exclusive of the clauses, shall read as follows:

Idem

39. Subject to section 49, no action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate,

.

R.S.O. 1950,
c. 332, s. 40,
re-enacted

5. Section 40 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Promises to
re-sell, etc.,
prohibited

40. No broker or salesman shall, as an inducement to purchase, sell or exchange real estate, make any representation or promise that he or any other person will,

(a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;

(b) purchase or sell any of the purchaser's real estate;

(c) procure a mortgage, extension of a mortgage, lease or extension of a lease; or

(d) purchase or sell a mortgage or procure a loan,

unless at the time of making the representation or promise the broker or salesman making it delivers to the person to whom the representation or promise is made a statement signed by the broker or salesman clearly setting forth all the details of the representation or promise made.

R.S.O. 1950,
c. 332, s. 49,
re-enacted

6. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Breaking
of contract
prohibited

49.—(1) No broker or salesman shall induce any party to a contract for sale or rental of real estate to break the contract for the purpose of entering into another such contract.

Commission

(2) Unless agreed to in writing by the vendor, no broker is entitled to claim commission from him in respect of a trade in real estate if the real estate is to the knowledge of the broker covered by an unexpired exclusive listing agreement with another broker.

R.S.O. 1950,
c. 332, s. 50,
subs. 1,
amended

7.—(1) Subsection 1 of section 50 of *The Real Estate and Business Brokers Act* is amended by inserting after "broker"

where it occurs the second time in the second line "or his salesman, as the case may be" and by striking out "concluded" in the third line and inserting in lieu thereof "signed by the parties", so that the subsection shall read as follows:

- (1) Where a trade in a business is negotiated by a broker or his salesman, the broker or his salesman, as the case may be, shall, before a binding agreement of purchase and sale is signed by the parties, deliver to the person acquiring the business, Statements to be delivered in purchase of business
 - (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
 - (b) a statement of the assets and liabilities of the business; and
 - (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Subsection 2 of the said section 50 is amended by R.S.O. 1950, c. 332, s. 50, subs. 2, amended inserting after "broker" where it occurs in the first and nineteenth lines respectively "or salesman, as the case may be", so that the subsection shall read as follows:

- (2) Where the broker or salesman, as the case may be, Waiver delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth,
 - (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on; and
 - (b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on; and
 - (c) all liabilities of the business; and

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker or salesman, as the case may be, a statement that he has received and read the statement under oath of the person disposing of the business.

R.S.O. 1950,
c. 332, s. 52,
subs. 1,
amended

8.—(1) Subsection 1 of section 52 of *The Real Estate and Business Brokers Act* is amended by striking out “or salesman” in the third line, so that the subsection shall read as follows:

Agreement
to list
real estate
with
broker

- (1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker, deliver to the person who has signed the agreement a true copy thereof.

R.S.O. 1950,
c. 332, s. 52,
subs. 2,
amended

(2) Subsection 2 of the said section 52, as amended by section 3 of *The Real Estate and Business Brokers Amendment Act, 1952*, is repealed and the following substituted therefor:

Expiry of
agreement

- (2) An agreement with a broker to list real estate for sale, exchange, lease or rental is not valid,

- (a) if it does not contain a provision that it will expire on a certain date specified therein;
- (b) if it contains a provision for more than one date on which it may expire; or
- (c) if a true copy of it is not delivered by the broker or his salesman to the other party immediately after its execution.

R.S.O. 1950,
c. 332, s. 59,
amended

9. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out “shall annually” in the first line and inserting in lieu thereof “may, from time to time” and by striking out “in accordance with the regulations” in the second and third lines, so that the section shall read as follows:

List of
registered
persons to
be
published

59. The Registrar may, from time to time, prepare, publish and distribute a list of all persons registered under this Act.

Short title

10. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1957*.

BILL

An Act to amend
The Real Estate and Business
Brokers Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 60

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend The Survivorship Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill is complementary to *The Insurance Amendment Act, 1956*, which, in part, re-enacted the Accident and Sickness Insurance part of the Act. It is to come into force by Proclamation when all the common law provinces of Canada have enacted it.

Section 226*k* states that "where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and a beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first".

This rule constitutes an exception to the general rule of *The Survivorship Act* which is that where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the younger shall be deemed to have survived the older.

This bill simply adds a new exception to the two already in *The Survivorship Act*. It will be proclaimed in force at the same time as *The Insurance Amendment Act, 1956*, thus avoiding the possibility of conflict between the new exception and the general rule.

No. 60

1957

BILL

An Act to amend The Survivorship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act* is amended by striking out "section 183" in the second line and inserting in lieu thereof "sections 183 and 226k", so that the subsection shall read as follows: R.S.O. 1950, c. 382, s. 1, subs. 2, amended

(2) This section shall be read and construed subject to sections 183 and 226k of *The Insurance Act* and section 36 of *The Wills Act*. Presumption of death R.S.O. 1950, cc. 183, 426

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

3. This Act may be cited as *The Survivorship Amendment Act, 1957*. Short title

BILL

An Act to amend
The Survivorship Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

No. 60

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend The Survivorship Act

MR.  ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 60

1957

BILL

An Act to amend The Survivorship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act* is ^{R.S.O. 1950,} amended by striking out "section 183" in the second line and ^{c. 382, s. 1,} inserting in lieu thereof "sections 183 and 226k", so that the ^{subs. 2,} amended subsection shall read as follows:

(2) This section shall be read and construed subject to ^{Presump-} sections 183 and 226k of *The Insurance Act* and ^{tion of death} section 36 of *The Wills Act*. ^{R.S.O. 1950,} ^{cc. 183, 426}

2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation. ^{ment}

3. This Act may be cited as *The Survivorship Amendment* ^{Short title} Act, 1957.

An Act to amend
The Survivorship Act

1st Reading

January 30th, 1957

2nd Reading

February 20th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Unclaimed Articles Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this bill is,

- (i) to extend the scope of the Act to cover articles deposited with jewellers or watchmakers for repair or other treatment. The Act now applies only to clothing and household goods deposited for cleaning, pressing, dyeing, glazing, washing, repairing or storing.
- (ii) to allow notice of intended disposal of an unclaimed article to be given by registered letter instead of by personal service.
- (iii) to provide for the application of the proceeds of the sale of an unclaimed article.

No. 61

1957

BILL

An Act to amend The Unclaimed Articles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Unclaimed Articles Act*, as amended by R.S.O. 1950, section 1 of *The Unclaimed Articles Amendment Act, 1951*, is ^{c. 401,} further amended by striking out "and" at the end of clause *a*, ^{s. 1,} amended by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) any article,

- (i) which is deposited with a jeweller or watch-maker for repair or other treatment, and
- (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than one year,

in respect of which the agreed or reasonable charges for the services rendered are unpaid.

2. Subsection 1 of section 2 of *The Unclaimed Articles Act* R.S.O. 1950, c. 401, s. 2, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Upon the expiration of the period mentioned in subclause ii of clause *a* or subclause ii of clause *b* or subclause ii of clause *c* of section 1, as the case may be, the person with whom an article is deposited may cause a notice to be served by registered letter upon the owner of the article or the person who deposited the article addressed to him at his last known address stating,

- (a) the amount of the agreed or reasonable charges in respect of the article; and
- (b) that if such charges are not paid within thirty days of the date of the service of the notice the article will be disposed of.

R.S.O. 1950,
c. 401, s. 4,
amended

3. Section 4 of *The Unclaimed Articles Act* is amended by adding thereto the following subsection:

Application
of
proceeds

- (3) Where an article is sold under subsection 1, the person selling it shall apply the proceeds of the sale in payment of his charges and shall upon application pay over the surplus to the person entitled thereto.

Short title

4. This Act may be cited as *The Unclaimed Articles Amendment Act, 1957*.



BILL

An Act to amend
The Unclaimed Articles Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. ROBERTS

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Unclaimed Articles Act

MR. ROBERTS

No. 61

1957

BILL

An Act to amend The Unclaimed Articles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Unclaimed Articles Act*, as amended by R.S.O. 1950, section 1 of *The Unclaimed Articles Amendment Act, 1951*, is ^{c. 401,} further amended by striking out "and" at the end of clause *a*, ^{s. 1,} amended by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) any article,

(i) which is deposited with a jeweller or watch-maker for repair or other treatment, and

(ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than one year,

in respect of which the agreed or reasonable charges for the services rendered are unpaid.

2. Subsection 1 of section 2 of *The Unclaimed Articles Act* ^{R.S.O. 1950,} is repealed and the following substituted therefor: ^{c. 401, s. 2,} ^{subs. 1,} ^{re-enacted}

(1) Upon the expiration of the period mentioned in subclause ii of clause *a* or subclause ii of clause *b* or subclause ii of clause *c* of section 1, as the case may be, the person with whom an article is deposited may cause a notice to be served by registered letter upon the owner of the article or the person who deposited the article addressed to him at his last known address stating,

(a) the amount of the agreed or reasonable charges in respect of the article; and

(b) that if such charges are not paid within thirty days of the date of the service of the notice the article will be disposed of.

R.S.O. 1950,
c. 401, s. 4,
amended

3. Section 4 of *The Unclaimed Articles Act* is amended by adding thereto the following subsection:

Application
of
proceeds

- (3) Where an article is sold under subsection 1, the person selling it shall apply the proceeds of the sale in payment of his charges and shall upon application pay over the surplus to the person entitled thereto.

Short title

4. This Act may be cited as *The Unclaimed Articles Amendment Act, 1957*.

BILL

An Act to amend
The Unclaimed Articles Act

1st Reading

January 30th, 1957

2nd Reading

February 20th, 1957

3rd Reading

March 22nd, 1957

MR. ROBERTS

No. 62

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Health Act

MR. PHILLIPS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. See note to section 6.

Subsection 2. The provisions respecting upholstered and stuffed articles are re-enacted in order to bring about better administrative and enforcement practices and to keep in accord with modern manufacturing practices.

SECTION 2. The provision is broadened to enable any city, town, village or township with a population of 100,000 or over to appoint one or more assistants to the medical officer of health.

BILL

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *e* and *f* of section 5 of *The Public Health Act* are repealed. R.S.O. 1950,
c. 306, s. 5,
cls. *e, f*,
repealed

(2) Clause *zg* of the said section 5 is repealed and the following substituted therefor: R.S.O. 1950,
c. 306, s. 5,
cl. *zg*,
re-enacted

(*zg*) regulating the construction, manufacture, alteration, renovation, repairing, renewal, covering and re-covering, inspection and sale of upholstered or stuffed articles; Upholstered
or stuffed
articles

(*zgg*) classifying and defining upholstered or stuffed articles and the materials to be used therein, and requiring and prescribing the treating, processing, sterilizing and disinfecting of upholstered or stuffed articles and the materials used therein, and prohibiting the use in upholstered or stuffed articles of materials designated by the regulations; Idem

(*zggg*) requiring the labelling of upholstered or stuffed articles sold or offered for sale and prescribing the form of the labels to be affixed thereon; Idem

(*zgggg*) requiring every label affixed to upholstered or stuffed articles to be stamped with a stamp supplied by the Department and fixing the fees to be paid therefor; and Idem

(*zggggg*) exempting designated persons or classes of articles from the regulations respecting upholstered or stuffed articles. Idem

2. Subsection 3 of section 33 of *The Public Health Act* is amended by striking out "city" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: R.S.O. 1950,
c. 306, s. 33,
subs. 3,
amended

Assistant
medical
officers,
appoint-
ment

- (3) The council of a municipality having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

R.S.O. 1950,
c. 306, s. 34,
amended

- 3.** Section 34 of *The Public Health Act* is amended by adding thereto the following subsection:

Exercise
of powers
validated

- (7a) Notwithstanding any other Act, where a municipality has established or establishes a health unit under subsection 1 or two or more municipalities have established or establish a health unit under subsection 2, the municipality or municipalities, as the case may be, shall be deemed to have had authority to establish such health unit and have all such powers as may be necessary to carry out the by-law or agreement providing therefor, and without limiting the generality of the foregoing, such municipality or municipalities may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950,
c. 306, s. 94,
subs. 2,
amended

- 4.** Subsection 2 of section 94 of *The Public Health Act* is amended by striking out "situate in the municipality or health unit for which such local board is established" in the fifth and sixth lines, so that the subsection shall read as follows:

Agreement
for medical
and dental
inspection
of school
pupils

- (2) Any school board may enter into an agreement with the local board of any municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of the school board.

R.S.O. 1950,
c. 306,
amended

- 5.** *The Public Health Act* is amended by adding thereto the following section:

INSPECTION OF UPHOLSTERED OR STUFFED ARTICLES

Inspection,
etc., of
upholstered
or stuffed
articles

98. A medical officer of health or any inspector or other person in the employ of a local board or any member of a local board or an officer of the Department may at all reasonable times inspect,

SECTION 3. This provision is designed to ensure that health units are legally established and maintained.

SECTION 4. The words are deleted in order to broaden the scope of the power so as to enable a municipality to enter into agreement with another municipality for health services for school pupils who reside in the one municipality but who attend school in the other municipality.

SECTION 5. See note to section 1, subsection 2.

SECTION 6. The provisions repealed, which deal with water and waterworks and sewage and sewerage projects, are being transferred to and will be administered by the Ontario Water Resources Commission instead of the Sanitation Branch of the Department of Health.

- (a) the premises where upholstered or stuffed articles are constructed, manufactured, altered, renovated, repaired, renewed, covered or recovered;
- (b) the premises where materials for the construction, manufacture, alteration, renovation, repair, covering or recovering of such articles are processed;
- (c) the premises where such articles are offered for sale; and
- (d) upholstered or stuffed articles affixed with labels purporting to comply with the regulations,

and for the purpose of the inspection may seize, detain and open any upholstered or stuffed article and remove part therefrom, may prohibit the sale of any such article where the labelling contravenes the regulations and may affix "off sale" labels.

6. Sections 101 and 102, section 103 as amended by R.S.O. 1950, section 5 of *The Public Health Amendment Act, 1956*, sections 101-105, 106 (1956, c. 306, ss. 101-105, 106) section 6 of *The Public Health Amendment Act, 1956*, and subsection 1 of c. 71, s. 6, subs. 1), sections 107, 108, 111 and 112 of *The Public Health Act* are repealed. ^{107, 108, 111, 112, repealed}

7. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

8. This Act may be cited as *The Public Health Amendment Act, 1957*. ^{Short title}

An Act to amend
The Public Health Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. PHILLIPS

No. 62

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Health Act

MR. PHILLIPS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *e* and *f* of section 5 of *The Public Health Act* are repealed. R.S.O. 1950, c. 306, s. 5, cls. *e, f*, repealed

(2) Clause *zg* of the said section 5 is repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 5, cl. *zg*, re-enacted

(*zg*) regulating the construction, manufacture, alteration, renovation, repairing, renewal, covering and re-covering, inspection and sale of upholstered or stuffed articles; Upholstered or stuffed articles

(*zgg*) classifying and defining upholstered or stuffed articles and the materials to be used therein, and requiring and prescribing the treating, processing, sterilizing and disinfecting of upholstered or stuffed articles and the materials used therein, and prohibiting the use in upholstered or stuffed articles of materials designated by the regulations; Idem

(*zggg*) requiring the labelling of upholstered or stuffed articles sold or offered for sale and prescribing the form of the labels to be affixed thereon; Idem

(*zgggg*) requiring every label affixed to upholstered or stuffed articles to be stamped with a stamp supplied by the Department and fixing the fees to be paid therefor; and Idem

(*zggggg*) exempting designated persons or classes of articles from the regulations respecting upholstered or stuffed articles. Idem

2. Subsection 3 of section 33 of *The Public Health Act* is amended by striking out "city" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: R.S.O. 1950, c. 306, s. 33, subs. 3, amended

Assistant
medical
officers,
appoint-
ment

- (3) The council of a municipality having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

R.S.O. 1950,
c. 306, s. 34,
amended

3. Section 34 of *The Public Health Act* is amended by adding thereto the following subsection:

Exercise
of powers
validated

- (7a) Notwithstanding any other Act, where a municipality has established or establishes a health unit under subsection 1 or two or more municipalities have established or establish a health unit under subsection 2, the municipality or municipalities, as the case may be, shall be deemed to have had authority to establish such health unit and have all such powers as may be necessary to carry out the by-law or agreement providing therefor, and without limiting the generality of the foregoing, such municipality or municipalities may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950,
c. 306, s. 94,
subs. 2,
amended

4. Subsection 2 of section 94 of *The Public Health Act* is amended by striking out "situate in the municipality or health unit for which such local board is established" in the fifth and sixth lines, so that the subsection shall read as follows:

Agreement
for medical
and dental
inspection
of school
pupils

- (2) Any school board may enter into an agreement with the local board of any municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of the school board.

R.S.O. 1950,
c. 306,
amended

5. *The Public Health Act* is amended by adding thereto the following section:

INSPECTION OF UPHOLSTERED OR STUFFED ARTICLES

Inspection,
etc., of
upholstered
or stuffed
articles

98. A medical officer of health or any inspector or other person in the employ of a local board or any member of a local board or an officer of the Department may at all reasonable times inspect,

- (a) the premises where upholstered or stuffed articles are constructed, manufactured, altered, renovated, repaired, renewed, covered or recovered;
- (b) the premises where materials for the construction, manufacture, alteration, renovation, repair, covering or recovering of such articles are processed;
- (c) the premises where such articles are offered for sale; and
- (d) upholstered or stuffed articles affixed with labels purporting to comply with the regulations,

and for the purpose of the inspection may seize, detain and open any upholstered or stuffed article and remove part therefrom, may prohibit the sale of any such article where the labelling contravenes the regulations and may affix "off sale" labels.

6. Sections 101 and 102, section 103 as amended by R.S.O. 1950, c. 306, ss. 101-105, 106 (1956, c. 71, s. 6, subs. 1), 107, 108, 111, 112, repealed section 5 of *The Public Health Amendment Act, 1956*, sections 104 and 105, section 106 as re-enacted by subsection 1 of section 6 of *The Public Health Amendment Act, 1956*, and sections 107, 108, 111 and 112 of *The Public Health Act* are repealed.

7. This Act comes into force on the day it receives Royal Commence- Assent.
ment

8. This Act may be cited as *The Public Health Amendment Act, 1957*. Short title

BILL

An Act to amend
The Public Health Act

1st Reading

January 30th, 1957

2nd Reading

February 11th, 1957

3rd Reading

March 18th, 1957

MR. PHILLIPS

No. 63

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Libraries Act

MR. DUNLOP

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1, 2, 3, 5. The amendments are to provide for a regional library co-operative to serve member organizations in two or more territorial districts.

No. 63

1957

BILL

An Act to amend The Public Libraries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 310, s. 1,
cl. *e*,
re-enacted

(*e*) "library co-operative" means a library co-operative established in accordance with this Act in a county or in one or more territorial districts.

2. *The Public Libraries Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 310,
amended

80a. The Minister, upon the receipt of a petition of the boards of two or more district library co-operatives, may establish a regional library co-operative and, upon the establishment of a regional library co-operative, the uniting district co-operatives shall be dissolved and their assets and liabilities shall be assumed by the regional library co-operative.

Regional
library
co-operative

3. Section 82 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 310, s. 82,
re-enacted

82.—(1) The management, regulation and control of a library co-operative shall be vested in a board which shall be a corporation known as "The County (or District or Regional) Library Co-operative Board" (*inserting a name selected by the board and approved by the Minister*) and the board shall be responsible to the member organizations of the co-operative.

Control
vested
in board

(2) The board of a county library co-operative shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council.

County
library
co-operative

District
library
co-operative

- (3) The board of a district library co-operative shall be composed of four members elected by the member organizations and three members appointed by the Minister.

Regional
library
co-operative

- (4) The board of a regional library co-operative shall be composed of two members from each territorial district within the jurisdiction of the regional library co-operative elected by the member organizations in the territorial district and such member or members as the Minister may appoint.

Official
delegates

- (5) The board of each member organization of a library co-operative shall elect two official delegates whose duties shall be to elect members and fill vacancies in the elected membership of a library co-operative board and to vote on questions submitted to any meeting of the library co-operative with its member organizations.

First
meetings

- (6) The meeting of the official delegates of member organizations to elect the first board of the newly established district or regional library co-operative and the first meeting of the board of a newly established library co-operative shall be called forthwith by the Director of Public Library Services.

Annual
meeting

- (7) The annual meeting of a library co-operative board and its member organizations shall be held at such time and place as may be determined by the library co-operative board.

Term of
office

- (8) Except in the case of a newly-established library co-operative, a member of a library co-operative board shall assume office on the 1st day of January of the year for which he is elected or appointed and shall continue in office for a period of one year.

R.S.O. 1950,
c. 310, s. 85,
amended

4. Section 85 of *The Public Libraries Act* is amended by inserting after "with" in the first line "this Act or" and by striking out "Government" in the third line and inserting in lieu thereof "legislative", so that the section shall read as follows:

Withholding
grant on
default
of board

85. Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year.

R.S.O. 1950,
c. 310, s. 86,
cl. a,
re-enacted

5. Clause a of section 86 of *The Public Libraries Act* is repealed and the following substituted therefor:

SECTION 4. At present if a board fails to comply with the regulations, legislative grants may be withheld. The amendment provides for withholding grants where a board fails to comply with the Act.

- (a) grants to boards for public libraries, branch public libraries, library associations and library co-operative boards.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

7. This Act may be cited as *The Public Libraries Amend-* ^{Short title}
ment Act, 1957.

An Act to amend
The Public Libraries Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Libraries Act

MR. DUNLOP

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Public Libraries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 310, s. 1,
cl. *e*,
re-enacted

(*e*) "library co-operative" means a library co-operative established in accordance with this Act in a county or in one or more territorial districts.

2. *The Public Libraries Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 310,
amended

80a. The Minister, upon the receipt of a petition of the boards of two or more district library co-operatives, may establish a regional library co-operative and, upon the establishment of a regional library co-operative, the uniting district co-operatives shall be dissolved and their assets and liabilities shall be assumed by the regional library co-operative.

Regional
library
co-operative

3. Section 82 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 310, s. 82,
re-enacted

82.—(1) The management, regulation and control of a library co-operative shall be vested in a board which shall be a corporation known as "The County (or District or Regional) Library Co-operative Board" (*inserting a name selected by the board and approved by the Minister*) and the board shall be responsible to the member organizations of the co-operative.

Control
vested
in board

(2) The board of a county library co-operative shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council.

County
library
co-operative

District
library
co-operative

- (3) The board of a district library co-operative shall be composed of four members elected by the member organizations and three members appointed by the Minister.

Regional
library
co-operative

- (4) The board of a regional library co-operative shall be composed of two members from each territorial district within the jurisdiction of the regional library co-operative elected by the member organizations in the territorial district and such member or members as the Minister may appoint.

Official
delegates

- (5) The board of each member organization of a library co-operative shall elect two official delegates whose duties shall be to elect members and fill vacancies in the elected membership of a library co-operative board and to vote on questions submitted to any meeting of the library co-operative with its member organizations.

First
meetings

- (6) The meeting of the official delegates of member organizations to elect the first board of the newly established district or regional library co-operative and the first meeting of the board of a newly established library co-operative shall be called forthwith by the Director of Public Library Services.

Annual
meeting

- (7) The annual meeting of a library co-operative board and its member organizations shall be held at such time and place as may be determined by the library co-operative board.

Term of
office

- (8) Except in the case of a newly-established library co-operative, a member of a library co-operative board shall assume office on the 1st day of January of the year for which he is elected or appointed and shall continue in office for a period of one year.

R.S.O. 1950,
c. 310, s. 85,
amended

4. Section 85 of *The Public Libraries Act* is amended by inserting after "with" in the first line "this Act or" and by striking out "Government" in the third line and inserting in lieu thereof "legislative", so that the section shall read as follows:

Withholding
grant on
default
of board

85. Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year.

R.S.O. 1950,
c. 310, s. 86,
cl. a,
re-enacted

5. Clause a of section 86 of *The Public Libraries Act* is repealed and the following substituted therefor:

- (a) grants to boards for public libraries, branch public libraries, library associations and library co-operative boards.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

7. This Act may be cited as *The Public Libraries Amendment Act, 1957*. ^{Short title}

BILL

An Act to amend
The Public Libraries Act

1st Reading

January 30th, 1957

2nd Reading

February 19th, 1957

3rd Reading

February 26th, 1957

MR. DUNLOP

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Public Service Act

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

At the present time every permanent civil servant appointed before the 1st day of March, 1948, pays 4 per cent of his salary into the Public Service Superannuation Fund and those appointed after that date pay 6 per cent. This bill fixes the rate at 6 per cent in all cases after the 1st day of April, 1957.

The bill also re-enacts the procedure for establishing credit in the Fund for "casual" or "temporary" service by a permanent civil servant.

This bill also gives rights in this regard to those who have already been appointed to the permanent staff but who have declined or neglected to exercise their former rights with respect to their non-contributory service, thus giving these persons another opportunity of establishing this type of credit in the Fund.

BILL

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Public Service Act*, as amended by R.S.O. 1950, section 1 of *The Public Service Amendment Act, 1956*, is ^{c. 317, s. 13.}re-enacted repealed and the following substituted therefor:

13. There shall be deducted from the salary of every ^{Contribu-}employee an amount equal to 6 per cent of his ^{tions, current} salary and the amount so deducted shall be placed to his credit in the Fund.

13a.—(1) Every person,

- (a) who is appointed as an employee on or after ^{Contribu-}the 1st day of April, 1957; and ^{tions in}
 (b) who was continuously in the service of the ^{respect of}Crown up to the time of his appointment as ^{past service,}an employee; and ^{employees}
 (c) who gives notice in writing to the Board ^{hereafter}within six months after his appointment as ^{appointed}an employee of his intention to establish credit in the Fund in respect of his past continuous non-contributory service; and
 (d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had been appointed as an employee at the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the

period of service represented by the payments made under this subsection.

Idem,
employees
heretofore
appointed

(2) Every person,

- (a) who was appointed as an employee before the 1st day of April, 1957; and
- (b) who has failed to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (c) who gives notice in writing to the Board before the 31st day of March, 1959, of his intention to establish such credit; and
- (d) who pays or agrees to pay by way of salary deductions, where he was employed before the 1st day of March, 1948, an amount equal to 4 per cent of his salary up to the 1st day of April, 1957, and 6 per cent of his salary after that date, or, where he was employed on or after the 1st day of March, 1948, an amount equal to 6 per cent of his salary for the period of his continuous non-contributory service with the Crown together with, in either case, interest at the rate of 5 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the period of service represented by the payments made under this subsection.

Establish-
ment of
credit for
part of
continuous
non-con-
tributory
service

- (3) Any employee who is entitled under this section to establish credit in the Fund in respect of his continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and his appointment as an employee.

Commence-
ment of
continuous
non-
contributory
service

- (4) For the purposes of this section, the Board may determine the day on which any employee commenced his continuous non-contributory service with the Crown.

Commence-
ment

- 2. This Act comes into force on the 1st day of April, 1957.

Short title

- 3. This Act may be cited as *The Public Service Amendment Act, 1957*.

An Act to amend
The Public Service Act

1st Reading

January 30th, 1957

2nd Reading

3rd Reading

MR. DUNBAR

No. 64

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
An Act to amend The Public Service Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Public Service Act*, as amended by R.S.O. 1950, section 1 of *The Public Service Amendment Act, 1956*, is ^{c. 317, s. 13,} re-enacted and the following substituted therefor:

13. There shall be deducted from the salary of every ^{Contribu-} employee an amount equal to 6 per cent of his ^{tions,} salary and the amount so deducted shall be placed ^{current} to his credit in the Fund.

13a.—(1) Every person,

- (a) who is appointed as an employee on or after ^{Contribu-} the 1st day of April, 1957; and ^{tions in}
^{respect of}
^{past service,}
^{employees}
^{hereafter}
^{appointed}
- (b) who was continuously in the service of the Crown up to the time of his appointment as an employee; and
- (c) who gives notice in writing to the Board within six months after his appointment as an employee of his intention to establish credit in the Fund in respect of his past continuous non-contributory service; and
- (d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had been appointed as an employee at the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the

period of service represented by the payments made under this subsection.

Idem,
employees
heretofore
appointed

(2) Every person,

- (a) who was appointed as an employee before the 1st day of April, 1957; and
- (b) who has failed to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (c) who gives notice in writing to the Board before the 31st day of March, 1959, of his intention to establish such credit; and
- (d) who pays or agrees to pay by way of salary deductions, where he was employed before the 1st day of March, 1948, an amount equal to 4 per cent of his salary up to the 1st day of April, 1957, and 6 per cent of his salary after that date, or, where he was employed on or after the 1st day of March, 1948, an amount equal to 6 per cent of his salary for the period of his continuous non-contributory service with the Crown together with, in either case, interest at the rate of 5 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the period of service represented by the payments made under this subsection.

Establishment of credit for part of continuous non-contributory service

- (3) Any employee who is entitled under this section to establish credit in the Fund in respect of his continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and his appointment as an employee.

Commencement of continuous non-contributory service

- (4) For the purposes of this section, the Board may determine the day on which any employee commenced his continuous non-contributory service with the Crown.

Commencement

2. This Act comes into force on the 1st day of April, 1957.

Short title

3. This Act may be cited as *The Public Service Amendment Act, 1957*.

BILL

An Act to amend
The Public Service Act

1st Reading

January 30th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. DUNBAR

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Farm Products Marketing Act

MR. MACDONALD

EXPLANATORY NOTE

This bill will permit The Farm Products Marketing Board to recommend the adoption of a scheme for the marketing or regulating of a farm product based on a prescribed percentage of those actually voting. At present a prescribed percentage of all those eligible to vote, whether actually voting or not, is required.

No. 65

1957

BILL

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 4 of *The Farm Products Marketing Act*, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is amended by striking out "the persons voting" in the fourth line and inserting in lieu thereof "votes required by the regulations is" and by striking out "is not less than such percentage of all persons eligible to vote as the regulations prescribe" in the fifth and sixth lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 131, s. 4,
subs. 1a
(1954, c. 29,
s. 3, subs. 2),
amended

(1a) Where the question of the approval of a scheme is submitted to a vote, the Board may recommend the adoption of the scheme if the percentage of votes required by the regulations is in favour of the establishment of the scheme.

Submission
of question
of approval
of scheme
to vote

2. This Act may be cited as *The Farm Products Marketing Amendment Act, 1957*.

Short title

BILL

An Act to amend
The Farm Products Marketing Act

1st Reading

February 1st, 1957

2nd Reading

3rd Reading

MR. MACDONALD

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend The Labour Relations Act

MR. MACDONALD

EXPLANATORY NOTE

At present, on a representation vote for certification of a trade union, there is a prescribed percentage of ballots necessary of all those eligible to vote. This bill changes that requirement so that the prescribed percentage is taken of those eligible to vote and actually voting.

No. 66

1957

BILL

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 7 of *The Labour Relations Act* R.S.O. 1950, c. 194, s. 7, subs. 3, amended is amended by inserting after "vote" in the second line "and actually voting", so that the subsection shall read as follows:

- (3) If on the taking of a representation vote more than 50 per cent of the ballots of all those eligible to vote and actually voting are cast in favour of the trade union, and in other cases if the Board is satisfied that more than 55 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit. Certification after vote

2. This Act may be cited as *The Labour Relations Amendment Act, 1957*. Short title

BILL

An Act to amend
The Labour Relations Act

1st Reading

February 1st, 1957

2nd Reading

3rd Reading

MR. MACDONALD

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Department of Highways

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

This bill contains provisions now in *The Highway Improvement Act*, but which have been omitted from the current general revision of that Act, of a nature appropriate to the Department of Highways.

The design is similar to the Acts of other Departments.

No. 67

1957

BILL

An Act respecting the Department of Highways

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means Department of Highways;

(b) "Minister" means Minister of Highways.

2. There shall continue to be a department of the public service to be known as the Department of Highways over which the Minister shall preside and have charge.

Department
continued

3. The Minister is responsible for the administration of,

Acts to be
administered

(a) *The Ferries Act*;

R.S.O. 1950,
c. 135

(b) *The Highway Improvement Act, 1957*;

1957, c. . . ,

(c) *The Highway Traffic Act*;

R.S.O. 1950,
c. 167

(d) *The Public Commercial Vehicles Act*;

R.S.O. 1950,
c. 304

(e) *The Public Service Works on Highways Act*;

R.S.O. 1950,
c. 318

(f) *The Public Vehicles Act*,

R.S.O. 1950,
c. 322

and the regulations thereunder and such other Acts and the regulations thereunder as are assigned to him from time to time by the Lieutenant-Governor in Council.

4. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into the same enure to the benefit of the Crown and may be enforced as if entered into with the Crown.

Enforce-
ment of
contracts

Who may
bring
action

5. All actions and other proceedings for the enforcement of any contract, for the recovery of damage for any tort or breach of contract, or for the trial of any right, in respect of property, real or personal, under the control of the Department, shall be instituted in the name of the Attorney-General.

Possession
of maps,
etc., re-
lating to
highways

6. The Minister may require any person having possession of any map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to any work under the control of the Department, and not being private property, to deliver the same without delay to the Department.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Department of Highways Act, 1957*.

BILL

An Act respecting
the Department of Highways

1st Reading

February 1st, 1957

2nd Reading

3rd Reading

Mr. ALAN (Haldimand-Norfolk)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act respecting the Department of Highways

MR. ALLAN (Haldimand-Norfolk)

No. 67

1957

BILL

An Act respecting the Department of Highways

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means Department of Highways;

(b) "Minister" means Minister of Highways.

2. There shall continue to be a department of the public service to be known as the Department of Highways over which the Minister shall preside and have charge.

Department
continued

3. The Minister is responsible for the administration of,

Acts to be
administered

(a) *The Ferries Act*;

R.S.O. 1950,
c. 135

(b) *The Highway Improvement Act, 1957*;

1957, c. . . ,

(c) *The Highway Traffic Act*;

R.S.O. 1950,
c. 167

(d) *The Public Commercial Vehicles Act*;

R.S.O. 1950,
c. 304

(e) *The Public Service Works on Highways Act*;

R.S.O. 1950,
c. 318

(f) *The Public Vehicles Act*,

R.S.O. 1950,
c. 322

and the regulations thereunder and such other Acts and the regulations thereunder as are assigned to him from time to time by the Lieutenant-Governor in Council.

4. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into the same enure to the benefit of the Crown and may be enforced as if entered into with the Crown.

Enforce-
ment of
contracts

Who may
bring
action

5. All actions and other proceedings for the enforcement of any contract, for the recovery of damage for any tort or breach of contract, or for the trial of any right, in respect of property, real or personal, under the control of the Department, shall be instituted in the name of the Attorney-General.

Possession
of maps,
etc., re-
lating to
highways

6. The Minister may require any person having possession of any map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to any work under the control of the Department, and not being private property, to deliver the same without delay to the Department.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Department of Highways Act, 1957*.

BILL.

An Act respecting
the Department of Highways

1st Reading

February 1st, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 18th, 1957

Mr. ALLAN (Haldimand-Norfolk)

No. 68

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Sandwich, Windsor and Amherstburg Railway Act, 1939

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this bill is to validate the pension arrangements, etc., heretofore made by the company and to authorize, subject to the approval of the Ontario Municipal Board, the making of further pension arrangements in the future.

No. 68

1957

BILL

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1939

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is amended by adding thereto the following subsection: 1939, c. 43, s. 9, amended

- (4) Notwithstanding anything contained in this or any other Act, every contract, agreement and arrangement in respect of any pension, annuity or retiring allowance which has been entered into or made heretofore by the said company and which has been approved by the Ontario Municipal Board is confirmed and declared to be legal, valid and binding, and the said company may hereafter, subject to the approval of the Ontario Municipal Board, enter into and make contracts, agreements or arrangements with respect to pensions, annuities, retiring allowances or sick leave credits. Pension agreements validated

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1957*. Short title

BILL

An Act to amend
The Sandwich, Windsor and
Amherstburg Railway Act, 1939

1st Reading

February 4th, 1957

2nd Reading

3rd Reading

MR. GRIESINGER

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL

An Act to amend
The Sandwich, Windsor and Amherstburg Railway Act, 1939

MR. GRIESINGER

No. 68

1957

BILL

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1939

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is amended by adding thereto the following subsection:

- (4) Notwithstanding anything contained in this or any other Act, every contract, agreement and arrangement in respect of any pension, annuity or retiring allowance which has been entered into or made heretofore by the said company and which has been approved by the Ontario Municipal Board is confirmed and declared to be legal, valid and binding, and the said company may hereafter, subject to the approval of the Ontario Municipal Board, enter into and make contracts, agreements or arrangements with respect to pensions, annuities, retiring allowances or sick leave credits.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1957*.

BILL

An Act to amend
The Sandwich, Windsor and
Amherstburg Railway Act, 1939

1st Reading

February 4th, 1957

2nd Reading

February 20th, 1957

3rd Reading

February 26th, 1957

MR. GRIESINGER

No. 69

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
The Highway Improvement Act, 1957

MR. ALLAN (Haldimand-Norfolk)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This bill contains a general revision of *The Highway Improvement Act*. It was last revised in 1926. The Parts and the sections within the Parts have been re-arranged in a more logical order and reference to procedures in *The Public Works Act* has been avoided so that the Act as revised is entirely self-contained.

One of the important features of this revision is that the provisions respecting the powers that the Minister may exercise with respect to land without the owner's consent and the right to compensation therefor and the procedures relating thereto have been clarified.

Another important feature is that the provisions respecting controlled-access highways have been brought into line with present-day conditions.

While many of the provisions are shown in the footnote as being amended, this does not necessarily mean a change in principle. Many changes so indicated are editorial only and are made in order to have uniformity of expression throughout the Act.

The arrangement of the revised Act is as follows:

Section 1	Interpretation	pp. 1, 2
Part I (ss. 2-33)	The King's Highway	pp. 2-17
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SECTION 1. The definitions are basically the same as in the present Act.

SECTIONS 2 and 3. No change in principle.

SECTION 4. This section sets out the Minister's powers with respect to the use of land without the owner's consent. The right of a land owner to compensation is provided for explicitly in section 11.

SECTIONS 5, 6, 7, 8 and 9. No change in principle. The procedures are clarified.

SECTION 10—Subsection 1. The provision requires the Minister to give notice to a land owner where land is taken or injuriously affected by the exercise of the Minister's powers under section 4 or 7. The new section also provides for the filing of a claim for compensation.

Subsections 2 and 3. These subsections protect the right of a land owner to compensation where the Minister fails to give the required notice.

SECTION 11. This important section requires the Minister to make due compensation to a land owner who suffers damage as a result of the exercise by the Minister of his compulsory powers under section 4 or 7.

The section also provides the procedure for determining the amount of the compensation that shall be paid.

The present Act contains a number of different procedures for determining compensation. This section establishes one procedure which applies in all compensation cases under the Act.

SECTIONS 12, 13 and 14. No change in principle.

SECTION 15. Under this new section the Minister may require particulars of a claim for compensation or damages in order that he may properly assess the situation and thus expedite settlement of the claim.

SECTIONS 16, 17, 18, 19, 20 and 21. No change in principle.

SECTION 22. There is no change in principle in this section except that the maximum width of roadway that may be constructed or maintained under an agreement is increased from 33 feet to 48 feet.

SECTION 23. No change in principle.

SECTION 24—Subsection 1. No change in principle.

Subsection 2. The powers of the Lieutenant-Governor in Council in this respect are broadened in order to give the Department adequate control over roads entering, etc., the King's Highway.

SECTION 25. No change in principle.

SECTION 26. The scope of the section has been broadened.

SECTION 27—Subsections 1 and 2. No change in principle.

Subsection 3. The provision brings this part of the Act into line with the corresponding part of the Act applicable to municipal roads.

Subsections 4 and 5. No change in principle.

SECTIONS 28 and 29. No change in principle.

SECTION 30. The scope of the provision is broadened.

SECTION 31. No change in principle.

SECTION 32. This is an important section. The definition of the area of control at an intersection is altered so that the controlled area may be more accurately determined. The right to compensation has been extended to include certain cases where there has been some doubt as to the right to compensation.

SECTIONS 34 and 35. No change in principle.

SECTION 36—Subsection 1. The definition of the area of control at an intersection is altered so that the controlled area may be more accurately determined.

Subsection 2. The controlled area at an intersection has been extended from a square with sides of approximately 1,200 feet to a circle with a radius of 1,300 feet measured from the centre point of the intersection. This change is necessary in view of the design of modern interchanges.

Subsection 3. This new subsection is designed to assist in enforcing the prohibitions.

Subsection 4. The prohibitions of the present Act do not apply in a city, town or village unless the Minister so directs. The new subsection reverses the procedure so that the prohibitions will apply in a city, town or village unless the Minister makes a direction to the contrary.

Subsections 5, 6 and 7. No change in principle.

Subsection 8. Self-explanatory.

Subsection 9. The right to compensation has been extended to include certain cases where there has been some doubt as to the right to compensation.

Subsection 10. The procedure for determining compensation is clarified.

Subsections 11 and 12. No change in principle.

SECTIONS 37, 38, 39, 40, 41, 42 and 43. No change in principle.

SECTION 44. The new section eliminates certain provisions which are now covered by *The Ontario Municipal Board Act*.

SECTIONS 45 to 86 inclusive. No change in principle.

SECTION 87. This section is revised to make the procedure in relation to municipally-controlled-access roads analogous to the procedure relating to controlled-access highways. This is particularly so in relation to the compensation provision.

SECTION 88—Subsection 1. This subsection makes it clear that a municipality may pass by-laws regulating entrances to its controlled-access roads.

Subsections 2, 3, 4, 5, 6 and 7. These subsections are revised to make them analogous to the provisions applicable to controlled-access highways.

SECTIONS 89 and 90. No change in principle.

SECTION 91—Subsections 1, 2, 3 and 4. No change in principle.

Subsection 5. This subsection eliminates the onus placed on county road superintendents under the present practice.

Subsection 6. No change in principle.

SECTIONS 92, 93, 94, 95, 96, 97, 98 and 99. No change in principle.

SECTION 100. This section revises and improves the procedure for the issuing of a warrant for possession of lands acquired by the Minister. A form of warrant is now prescribed; it is set out as Form 1 of the Act.

SECTION 101. No change in principle.

SECTION 102. Moneys will hereafter be placed to the credit of the Highway Reserve Account by the Lieutenant-Governor in Council and moneys will hereafter be paid out of the Highway Reserve Account up to the amount authorized by the Legislature.

BILL

The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "bridge" means public bridge and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "construction" includes re-construction;
- (d) "Department" means Department of Highways;
- (e) "Deputy Minister" means Deputy Minister of Highways;
- (f) "highway" means a common or public highway or any part thereof and includes a street, bridge and any other structure incidental thereto and any part thereof;
- (g) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (h) "maintenance" includes repair;
- (i) "Minister" means Minister of Highways;
- (j) "owner" includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (k) "regulations" means regulations made under this Act;

- (l) "road" has the same meaning as highway;
- (m) "road authority" means a body having jurisdiction and control of a highway;
- (n) "roadway" means that part of a highway designed or intended for use by vehicular traffic. R.S.O. 1950, c. 166, s. 1, cls. (b-d), (f-i); c. 323, s. 1, cls. (a, e, h), *amended*.

PART I

THE KING'S HIGHWAY

Property
vested in
Crown

2. All property acquired under this Part is vested in the Crown and is under the jurisdiction and control of the Department. R.S.O. 1950, c. 166, s. 65, *amended*.

Property
may be
sold, etc.

3. All property that is under the jurisdiction and control of the Department may be leased, sold or otherwise disposed of by the Minister. R.S.O. 1950, c. 166, s. 71 (1), *amended*.

Power to
enter on
land, etc.

4. The Minister or any person authorized by him may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to or from any land; or
- (d) place upon or remove from any land any substance or structure,

for any purpose of this Part. *New.*

Designation
of the King's
Highway

5. The Lieutenant-Governor in Council may designate a highway or proposed highway as the King's Highway. R.S.O. 1950, c. 166, s. 64 (1), *amended*.

Procedure
for acquiring
a highway

6.—(1) Where the Minister desires to acquire an existing highway, he shall register in the proper registry or land titles office a plan and description of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the highway vests in the Crown, and the Minister forthwith

Assumption
Plan

shall give notice in writing of such vesting to any municipality concerned. R.S.O. 1950, c. 166, s. 66 (1); 1956, c. 28, s. 11 (1), *amended*.

(2) The Minister may, before registering an Assumption Plan, register in the proper registry or land titles office a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway shall thereafter be registered under subsection 1. R.S.O. 1950, c. 166, s. 66 (3); 1956, c. 28, s. 11 (2), *amended*.

7.—(1) The Minister may, in the name of Her Majesty, acquire by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land for the purposes of this Part or for making compensation in whole or in part to any person under this Part. R.S.O. 1950, c. 166, s. 68, *amended*.

(2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan and description of the land marked "Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land vests in the Crown.

(3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

(4) Where the Minister is of opinion that he can obtain the whole of a lot or parcel of land at a more reasonable price or to greater advantage than by acquiring a part thereof only, he may expropriate the whole of the lot or parcel and also any right-of-way thereto. *New*.

8. In case of any omission, misstatement or erroneous description in any plan or description registered under this Part, the Minister may register in the proper registry or land

titles office a plan or description replacing or amending such original plan or description and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby. R.S.O. 1950, c. 166, s. 72 (4), *amended*.

Verification
of plans and
descriptions

9. Where a plan and description purporting to be signed by any of the persons authorized so to do is registered under this Part, it shall be deemed to have been registered by the direction and authority of the Minister and as indicating that in the opinion of the Minister the highway described or the land described is necessary for the purposes of this Part, and the plan and description shall not be called in question except by the Minister or by a person authorized by the Minister. *New*.

Notice to
be given
to owner

10.—(1) Where any of the powers conferred by section 4 or 7 have been exercised, the Minister shall, within sixty days thereafter, give notice to the owner,

- (a) if the owner is known and his residence is known, by serving upon or by mailing by registered letter addressed to him at his last known place of residence a notice describing the land affected and the power exercised and stating that every person having any claim to compensation must file the claim in the office of the Minister within six months after the date of the notice, or, in the case of land injuriously affected, within six months after the injury complained of, or, in the case of a continuing injury, within one year from the time when the injury began or became known to him; or
- (b) if the owner is unknown or his place of residence is unknown, by the publication of a similar notice once a week for at least three weeks in a newspaper having general circulation in the county or district in which the land affected is situate.

Where
notice given

(2) Where notice has been given under subsection 1, a claim for compensation shall be made within the time limited by the notice.

Where no
notice given

(3) Where no notice has been given under subsection 1, a claim for compensation may be made at any time by giving notice thereof to the Minister, and the provisions of this

Part with respect to the fixing, payment and application of compensation apply thereto. *New.*

11.—(1) The Minister shall make due compensation to the owner of land for any damage necessarily resulting from the exercise of any of the powers conferred by section 4 or 7, beyond any advantage that the owner may derive from the contemplated work. *New.*

(2) Every such claim for compensation not agreed upon by the Minister and the claimant shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 98, applies so far as is practicable to every such claim that is referred to the Board. R.S.O. 1950, c. 166, s. 91 (1), *amended.*

(3) The Minister or the claimant may, with leave of the Court of Appeal, appeal to that court from any determination or order of the Board as to compensation under this Part. 1953, c. 45, s. 2, *part.*

(4) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Board and the rules of court as to court vacations apply. *New.*

(5) The leave may be granted on such terms as to the appellant giving security for costs and otherwise as the court deems just. 1953, c. 45, s. 2, *part.*

(6) Subject to subsection 4, the practice and procedure as to the appeal and incidental thereto are the same *mutatis mutandis* as upon an appeal from a county court. 1953, c. 45, s. 2, *part, amended.*

12.—(1) The compensation agreed upon or determined under section 11 stands in the stead of the land concerned, and any claim to or encumbrance on such land shall, as respects the Crown, be converted into a claim to or upon the compensation and no longer affects such land.

(2) If the compensation agreed upon or determined under section 11 does not exceed \$200, it may be paid to the person who may convey the land or agree as to the compensation without the giving of notice to any other person, saving always the rights of any other person to the compensation as against the person receiving it. *New.*

13.—(1) Where at any time before compensation for land expropriated has been agreed upon or determined under section 11 the land or any part thereof is found to be unnecessary for the purposes of this Part or if it is found that a more limited estate or interest therein only is required, the

Minister may, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and registered in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Crown or that it is intended to retain only such limited estate or interest as is mentioned in the writing, and thereupon,

- (a) the land declared to be abandoned reverts in the person from whom it was expropriated and those entitled to claim under him; or
- (b) in the event of a limited estate or interest being retained by the Crown, the land so reverts subject to such limited estate or interest.

Effect upon
compensation

(2) Where part only of the land or all of it except the limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the amount to be paid to a person claiming compensation.

Damages
where
abandonment
complete

(3) Where the whole of the land is abandoned, the person from whom it was expropriated is entitled to all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the damages shall be determined in accordance with subsections 2 to 6 of section 11. *New.*

Payment
into court

14.—(1) In any case in which the Minister deems it advisable, he may, without an order, pay the compensation or damages into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months.

Payment
out of
court

(2) Upon an application for payment out of court of compensation or damages paid into court under subsection 1, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation or damages and as to costs as he deems just.

Adjustment
of interest

(3) If an order is obtained under subsection 2 in less than six months after the payment of the compensation or damages into court, the judge may direct a proportionate part of the interest to be returned to the Minister.

Where
unborn
issue, etc.,
interested

(4) Where unborn issue or an unascertained person or class are interested in the compensation or damages, the

judge may appoint such person as he deems proper to represent or act for them and any order made is binding on them.
New.

15. Every person who is claiming compensation or damages under this Part shall, upon demand made therefor by the Minister or any person authorized by him, furnish to the Minister a true statement showing the particulars of his interest in the land concerned and of the claim made by him.
New.

Minister
may require
particulars

16. Where an injury to land alleged to be injuriously affected by the exercise of any of the powers mentioned in section 4 or 7 may be removed in whole or in part by an alteration in or addition to any work to which this Part applies or by the construction of any additional work or by the abandonment of any part of the land expropriated or by the grant of any land or easement, and if the Crown, before the compensation is agreed upon or determined, undertakes to make such alteration or addition or to construct such additional work or to abandon such portion of the land expropriated or to grant such land or easement, the compensation shall be determined having regard to such undertaking, and the Board shall declare that, in addition to any compensation determined, the claimant is entitled to have such alteration or addition made or such additional work constructed or such portion of the land abandoned or such grant made to him.
New.

When re-
paration by
Crown may
be ordered

17.—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation or damages from the time when the land was expropriated, used or injuriously affected, but no person who has been offered in writing a sum equal to or greater than the compensation or damages shall be allowed interest thereon for any period after the date of the offer.

Interest

(2) Where the Board is of the opinion that any delay in determining the compensation or damages is attributable in whole or in part to the person entitled to the compensation or damages or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.*

Where
interest
may be
withheld

18. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any person any sum to which he is entitled under this Part as compensation, damages or costs.
New.

Payment of
compen-
sation,
damages
and costs

Minister
may exercise
powers of
municipality

19. The Minister has, within the limits of any municipality in which the King's Highway is situate, all the powers that may be exercised by that municipality in respect of its highways. R.S.O. 1950, c. 166, s. 80 (1); 1956, c. 28, s. 17 (1), *amended*.

Previous
rights and
agreements

20.—(1) The Minister has in respect of the King's Highway all the rights, powers, benefits and advantages conferred by by-law or agreement or otherwise upon the municipality that had jurisdiction and control of the highway before the highway was vested in the Crown, and the Crown may sue thereon in the same manner and to the same extent as the municipality might have done if the highway had not vested in the Crown. R.S.O. 1950, c. 166, s. 80 (2); 1956, c. 28, s. 17 (2), *amended*.

Right of
Minister
to copies of
by-laws, etc.

(2) The Minister is entitled to a copy of any such by-law or agreement from the municipality and has the right to inquire into and ascertain full particulars concerning any such by-law or agreement. R.S.O. 1950, c. 166, s. 80 (3); 1956, c. 28, s. 17 (3), *amended*.

Intersecting
highways

21. Where the King's Highway intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway. R.S.O. 1950, c. 166, s. 66 (2), *amended*.

Continuing
King's
Highway
through
city, town
or village

22.—(1) Where it is deemed by the Minister that a highway in a city, town or village should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Minister may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town or village, and the council of the city, town or village may pass by-laws for issuing and may issue debentures under *The Municipal Act* to be payable in such period as the Minister approves, but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of such highway, but it is not necessary for the council to obtain the assent of the electors to any such by-law for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 78 (3); 1956, c. 28, s. 15 (2), *amended*.

R.S.O. 1950,
c. 243

Idem

R.S.O. 1950,
c. 215

(2) Work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act* and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper. R.S.O. 1950, c. 166, s. 78 (4).

(3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of the highway designated under subsection 1. R.S.O. 1950, c. 166, s. 78 (5), *amended*. ^{Agreement for work}

(4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of the highway designated under subsection 1. 1955, c. 28, s. 4 (1), *amended*. ^{Idem, cities and separated towns}

(5) An agreement under subsection 3 or 4 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town or village, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed, ^{Cost of work}

(a) in the case of a town, not being a separated town, or of a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) in the case of a town, not being a separated town, or of a village having a population of more than 2,500, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet; and

(c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet. 1955, c. 28, s. 4 (2); 1956, c. 28, s. 15 (3), *amended*.

(6) For the purposes of agreements entered into under subsections 3 and 4, the owner's share of the cost of local improvements shall not be included in the cost of the work nor may any other contribution received from any source be so included without the consent of the Minister. *New*. ^{Determination of cost of work}

(7) A highway does not by reason of its having been constructed or maintained under this section become the property of the Crown, but every such highway remains under the jurisdiction and control of the municipality in which it is situate. R.S.O. 1950, c. 166, s. 78 (7), *amended*. ^{Jurisdiction unchanged}

Agreement
for con-
struction of
greater
width of
roadway

23.—(1) The Minister and a municipality in which a part of the King's Highway is situate or an owner of land adjoining a part of the King's Highway may enter into an agreement for the construction of a roadway of a greater width or with different specifications than those for the remainder of the roadway, and the Department may construct the roadway accordingly. R.S.O. 1950, c. 166, s. 88 (1), *amended*.

Raising cost
of special
work

(2) The additional cost entailed under such an agreement to be borne by a municipality may be raised by a special tax or by the issue of debentures under *The Local Improvement Act* or by the issue of debentures under *The Municipal Act*, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures, but it is not necessary to obtain the assent of the electors to any by-law for the issue of such debentures under *The Municipal Act* or to observe any of the provisions of *The Local Improvement Act* with respect to the undertaking of works as local improvements. R.S.O. 1950, c. 166, s. 88 (2).

R.S.O. 1950,
cc. 215, 243

Grading
approaches
to King's
Highway

24.—(1) Where the Minister or a person authorized by him deems it advisable to change the grade or make other alterations upon a highway intersecting or affording access to the King's Highway or giving access to private property, the cost of the changes so made shall be deemed to be part of the cost of the construction of the King's Highway.

Consent to
closing of
highway
connecting
with King's
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the consent of the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 84, *amended*.

Drainage of
the King's
Highway

25.—(1) The Minister or a person authorized by him may initiate and carry out proceedings under any Act for the purpose of procuring proper drainage for the King's Highway, and the Minister or such authorized person has authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Minister or such authorized person. R.S.O. 1950, c. 166, s. 90 (1); 1956, c. 28, s. 22, *amended*.

Drainage
engineer
for De-
partment

(2) The Minister may from time to time designate one or more engineers of the Department to be the engineer or engineers authorized to carry out the provisions of any Act for the purpose of procuring proper drainage for the King's Highway or other property under the control of the Depart-

ment, and every engineer so designated has for such purpose all the powers and shall perform all the duties on behalf of the Department required of an engineer appointed by a municipality. R.S.O. 1950, c. 166, s. 90 (2), *amended*.

26. The Minister may construct, maintain and operate such works as he deems necessary or expedient for the purposes of this Part and he and any person, including a municipality or local board thereof, may enter into agreements with respect to any such works. R.S.O. 1950, c. 166, s. 89, *amended*. Construction of works

27.—(1) While a work authorized by this Part is in progress, the Minister or a person authorized by him may close to traffic the King's Highway on which the work is being done for such time as the Minister or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*. Closing highway to traffic

(2) While the King's Highway is so closed to traffic, the Department shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, or the Minister and a municipality may enter into an agreement for that purpose or the Minister may make a grant to a municipality for that purpose, and any such expenditure or grant shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary. R.S.O. 1950, c. 166, s. 79 (3); 1956, c. 28, s. 16 (2), *amended*. Alternative routes during work

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and wherever an alternative route deviates from it, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. *New.* Barricades

(4) Every person using the King's Highway closed to traffic in accordance with this section does so at his own risk and the Crown is not liable for any damage sustained by a person using the King's Highway so closed to traffic. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*. No Crown liability

(5) Every person who, without lawful authority, uses the King's Highway so closed to traffic while it is protected in accordance with subsection 3 or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on summary Penalty

conviction is liable to a penalty of not more than \$50 and is also liable to the Crown for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1950, c. 166, s. 79 (2); 1956, c. 28, s. 16 (1), *amended*.

Closing

28.—(1) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed.

Reversion or
transfer to
municipality

(2) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department shall revert to the road authority previously responsible for its maintenance or be transferred to the municipality within which it is situate, and it shall be vested in and be under the jurisdiction and control of the road authority to which it so reverts or the municipality to which it is so transferred on and after the day named by the Lieutenant-Governor in Council. 1956, c. 28, s. 12, *amended*.

Designation
revoked

(3) Where the Lieutenant-Governor in Council directs the reversion or transfer of a highway under subsection 2, any designation of the highway as the King's Highway or as a secondary highway is revoked on the day named by the Lieutenant-Governor in Council under subsection 2. *New*.

Planting
trees

29.—(1) The Department may plant trees upon the King's Highway and the cost thereof shall be part of the cost of its maintenance. R.S.O. 1950, c. 166, s. 83 (1), *amended*.

Cutting,
etc.

(2) No person, including a municipality and a local board thereof, shall injure, destroy, cut or prune any tree within the limits of the King's Highway without first obtaining the consent in writing of the Minister or a person authorized by him. R.S.O. 1950, c. 166, s. 83 (2), *amended*.

Penalty

(3) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning. 1955, c. 28, s. 5, *amended*.

Bonus for
planting
trees

(4) The Department may pay an amount not exceeding 75 cents for each elm, maple or other tree of a species approved by the Department planted on land adjoining the King's Highway in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (3); 1956, c. 28, s. 19 (1), *amended*.

(5) The amounts paid under subsection 4 shall be chargeable ^{Bonus chargeable} to the moneys appropriated therefor by the Legislature and are payable upon a certificate of an engineer of the Department giving the name of the person entitled, the number of trees of each species planted and the amount to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form and were planted in accordance with the conditions of the permit granted therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (4); 1952 (2nd Sess.), c. 2, s. 19; 1956, c. 28, s. 19 (2), *amended*.

(6) The Minister may agree with the owners of property ^{Agreements re fences} adjoining the King's Highway with respect to the moving, removal or construction of a wire or other type of fence along the King's Highway and may pay the owner therefor.

(7) Subject to the payment of such compensation as may ^{Removal of obstructions} be agreed upon or as may be determined in the manner provided by section 11, the Minister may direct the owner of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the King's Highway to remove it where in his opinion the safety or convenience of the travelling public so requires or where in his opinion it might cause the drifting or accumulation of snow or be injurious to the highway. R.S.O. 1950, c. 166, s. 83 (5, 6), *amended*.

30.—(1) Notwithstanding anything in any general or ^{Interference with King's Highway} special Act, no person, including a municipality and a local board thereof, shall obstruct or deposit material upon or take up or in any way interfere with the King's Highway except in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 85 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty of ^{Penalty} an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$1,000. R.S.O. 1950, c. 166, s. 85 (2), *amended*.

31.—(1) The Minister may make regulations prohibiting ^{Regulating use} or regulating the use of the King's Highway by any class of vehicles or animals and may impose penalties for contravention thereof, but no such regulation has any force or effect until approved by the Lieutenant-Governor in Council after notice to any municipality affected thereby. R.S.O. 1950, c. 166, s. 86 (1), *amended*.

(2) Every person who, being the owner or having the care, ^{Horses, cattle, etc., on highway} custody or control of horses, cattle, swine, sheep or goats, suffers or permits the same or any of them to run at large

within the limits of the King's Highway is guilty of an offence and on summary conviction is liable to a penalty of not more than \$5 for every such animal found at large upon the highway, but this section does not create any civil liability on the part of the owner of such animal for damage caused to the property of others as a result of the animal running at large within the limits of the King's Highway. R.S.O. 1950, c. 166, s. 86 (3); 1956, c. 28, s. 20, *amended*.

Department
to maintain
and repair

32.—(1) The King's Highway shall be maintained and kept in repair by the Department and any municipality in which any part of the King's Highway is situate is relieved from any liability therefor, but this does not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by a municipality or which a municipality may lawfully do or construct upon the highway, and the municipality is liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality. R.S.O. 1950, c. 166, s. 87 (1); 1956, c. 28, s. 21 (1).

Liability
for damage
in case of
default

(2) In case of default by the Department to keep the King's Highway in repair, the Crown is liable for all damage sustained by any person by reason of the default, and the amount recoverable by a person by reason of the default may be agreed upon with the Minister before or after the commencement of an action for the recovery of damages. R.S.O. 1950, c. 166, s. 87 (2); 1956, c. 28, s. 21 (2), *amended*.

Insufficiency
of fence, etc.

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier adjacent to or in, along or upon the King's Highway or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the King's Highway that is not on the roadway. R.S.O. 1950, c. 166, s. 87 (3); 1956, c. 28, s. 21 (3), *amended*.

Notice of
claim

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered letter to the Minister within ten days after the happening of the injury, but the failure to give or the insufficiency of the notice is not a bar to the action if the judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown is not thereby prejudiced in its defence. R.S.O. 1950, c. 166, s. 87 (5, 6); 1956, c. 28, s. 21 (4, 5).

(5) No action shall be brought against the Crown for the recovery of damages occasioned by the default mentioned in subsection 2, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time the damage was sustained. R.S.O. 1950, c. 166, s. 87 (4), *amended*. ^{Limitation of action}

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of any claim for damages and costs that has been approved of in writing by counsel is payable in the same manner as in the case of a judgment recovered against the Crown in any other action. R.S.O. 1950, c. 166, s. 87 (7), *amended*. ^{Judgment, how payable}

(7) In any action against the Crown under this section, the defendant shall be described as "Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it is not necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action, but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of Her Majesty against another subject. R.S.O. 1950, c. 166, s. 87 (8); 1956, c. 28, s. 21 (6), *amended*. ^{Style of action}

(8) Any action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred. R.S.O. 1950, c. 166, s. 87 (9); 1956, c. 28, s. 21 (7). ^{Action to be tried without jury}

(9) The liability imposed by this section does not extend to a case in which a municipality having jurisdiction and control over the highway would not have been liable for the damage sustained. R.S.O. 1950, c. 166, s. 87 (10), *amended*. ^{Liability not to exceed that of municipality}

33.—(1) In this section, "centre point of an intersection" is the point where the centre line of the through portion of the King's Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King's Highway. ^{Interpretation}

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister, ^{King's Highway, control of}

- (a) place, erect or alter any building, fence, gasoline pump or other structure within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;
- (c) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of the King's Highway; or
- (d) use any land, any part of which lies within one-half mile of any limit of the King's Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

No authori-
zation by
others

(3) No person shall authorize or permit any act prohibited by subsection 2.

Application

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify.

Notice to
remove, etc.

(5) The Minister may give notice to the owner of any land requiring him,

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure, or any tree, shrub or hedge placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice, or advertising device displayed,

in contravention of subsection 2.

Service of
notice

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof.

Failure to
comply with
notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure, tree, shrub, hedge, sign, notice or advertising device as required by the notice.

(8) Every person who contravenes any of the provisions of subsection 2 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence and penalty

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure, tree, shrub, hedge, sign, notice or advertising device was placed, erected or altered, as the case may be, Compensation

(a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or R.S.O. 1937, c. 56

(b) before the day on which the King's Highway was so designated and in compliance with *The Highway Improvement Act*; or R.S.O. 1950, c. 166

(c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit.

(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11. Procedure

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper, and may in his discretion cancel any such permit at any time. Permits

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. *New.* Fee

PART II

CONTROLLED-ACCESS HIGHWAYS

34. The Lieutenant-Governor in Council may designate any part of the King's Highway as a controlled-access highway. *R.S.O. 1950, c. 166, s. 92 (2), amended.* Controlled-access highway, designation

35.—(1) In this section, "road" includes an unopened road allowance. *New.* Interpretation

(2) Subject to the approval of the Board, the Minister may close any road, other than a highway that is under the Closing of intersecting municipal roads

jurisdiction and control of the Department, that intersects or runs into a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (3), *amended*.

**Application
for approval**

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. R.S.O. 1950, c. 166, s. 92 (4), *amended*.

**Powers of
Board**

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. R.S.O. 1950, c. 166, s. 92 (6), *amended*.

Appeal

(5) The Minister or any person, including any municipality or local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

**Compensa-
tion**

(6) Upon the closing of a road in accordance with an order of approval, the Minister shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

**Interpre-
tation**

36.—(1) In this section, “centre point of an intersection” is the point where the centre line of the through portion or portions of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway. *New*.

**Controlled-
access
highways,
control of**

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (c) sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon or within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (d) place, erect or alter any power line, pole line or other transmission line within one-quarter mile of any limit of a controlled-access highway;
- (e) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of a controlled-access highway;
- (f) use any land, any part of which lies within one-half mile of any limit of a controlled-access highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers; or
- (g) construct or use any private road, entranceway, gate, or other structure or facility as a means of access to a controlled-access highway. R.S.O. 1950, c. 166, s. 93 (1), *amended*.

(3) No person shall authorize or permit any act prohibited by subsection 2. *New.* No authori-
zation by
others

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. R.S.O. 1950, c. 166, s. 93 (2), *amended*. Application

(5) The Minister may give notice to the owner of any land requiring him, Notice to
remove, etc.

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure, or any tree, shrub, hedge, power line, pole line or other transmission line placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or

- (c) to close up any private road, entranceway, gate or other structure or facility constructed or maintained as a means of access to a controlled-access highway,

in contravention of subsection 2. R.S.O. 1950, c. 166, s. 93 (3, 4), *amended*.

Service of
notice

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter, and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. R.S.O. 1950, c. 166, s. 93 (5), *amended*.

Failure to
comply
with notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, or to close up the private road, entranceway, gate or other structure or facility as required by the notice. R.S.O. 1950, c. 166, s. 93 (6), *amended*.

Offence and
penalty

(8) Every person who contravenes any of the provisions of subsection 2 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. R.S.O. 1950, c. 166, s. 93 (9), *amended*.

Compensation

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, private road, entranceway, gate or other structure or facility was placed, erected, altered, constructed or used, as the case may be,

R.S.O. 1937,
c. 56

- (a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or

R.S.O. 1950,
c. 166

- (b) before the day on which the controlled-access highway was so designated and in compliance with *The Highway Improvement Act*; or

- (c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit. 1951, c. 33, s. 5 (1), *amended*.

(10) Every claim for such compensation shall be determined ^{Procedure} in accordance with subsections 2 to 6 of section 11. *New*.

(11) The Minister may issue permits under this section in ^{Permits} such form and upon such terms and conditions as he deems proper and may in his discretion cancel any such permit at any time. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

(12) The Minister may prescribe the fee to be paid for any ^{Fee} permit or class of permit under this section. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

37.—(1) The Minister may make regulations prohibiting ^{Regulation of vehicles and animals} or regulating the use of controlled-access highways by any class of vehicles or animals.

(2) Every person who contravenes any regulation made ^{Penalty} under this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$5 and not more than \$50. R.S.O. 1950, c. 166, s. 94, *amended*.

38. The Minister and any municipality may enter into ^{Service roads} agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. 1955, c. 28, s. 6.

PART III

SECONDARY HIGHWAYS

39. The Lieutenant-Governor in Council may designate ^{Secondary highways, designation; effect of designation} the highway as a secondary highway and thereupon Part I and all the other provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such secondary highway. 1956, c. 28, s. 9, *amended*.

PART IV

COUNTY ROADS

40.—(1) A county may by by-law adopt a plan of county ^{Establishment of system} road construction and maintenance and establish a county road system by designating the roads in any municipality in the county that are to form the system and may include in the system such boundary-line roads between the county

and any other county or between the county and a city or separated town as may be agreed upon by the municipalities interested.

General rate (2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of any municipality from the roads in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly, but the representative or representatives in the county council of a municipality so exempt shall not vote upon a by-law passed under this Part, and for the purposes of section 44 the equalized assessment of a municipality so exempt shall not be included in ascertaining the total equalized assessment of the county.

Application of proceeds of rate (3) All moneys raised under the by-law shall be applied in the construction and maintenance of roads in the county road system and to any expenditure properly chargeable to the county road system under this Part. R.S.O. 1950, c. 166, s. 11 (1-3), *amended*.

Amendment (4) A county may, by by-law, amend a by-law passed under this section in any manner, including the addition of roads to, or the removal of roads from, the county road system. R.S.O. 1950, c. 166, s. 11 (17), *amended*.

Consolidating by-law (5) A county may by by-law consolidate the by-law establishing its county road system and all by-laws amending such by-law, and may from time to time by by-law consolidate any such consolidating by-law and all by-laws amending such consolidating by-law. 1954, c. 34, s. 1, *amended*.

Approval (6) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant-Governor in Council and the Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it is not necessary for the county to pass any further by-law amending the original by-law or repealing any portion thereof that has not been approved, and every such by-law as so approved is in force and has effect on and after the day on which the approval is given. R.S.O. 1950, c. 166, ss. 14, 15, *amended*.

Vesting of roads in county (7) Every road that forms part of a county road system vests in the county and is under the jurisdiction and control of the county on and after the day on which the by-law designating the road is approved by the Lieutenant-Governor in Council.

(8) Every road that is removed from a county road system vests in the local municipality in which it is situate and is under the jurisdiction and control of that municipality on and after the day on which the by-law removing the road is approved by the Lieutenant-Governor in Council. *New.* ^{Revesting of roads in local municipality}

(9) Where the Minister is of opinion that a road that forms part of a county road system is not of sufficient importance to be constructed and maintained as part of the system, the Lieutenant-Governor in Council may revoke the approval of the designation of such road as part of the system, and such road thereupon vests in the local municipality in which it is situate. R.S.O. 1950, c. 166, s. 16, *amended.* ^{Revocation of approval}

41.—(1) Where a county road system is established under this Part, the county council shall appoint by by-law three or five persons who are residents of the county, but who need not be members of the council, who shall constitute a committee to direct the work to be done on the county road system. ^{County road committee}

(2) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of three years, and where the committee consists of five members, one member shall be appointed and hold office for a term of five years, one member shall be appointed and hold office for a term of four years, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of five years. ^{Term of office}

(3) A member of the committee is eligible for re-appointment upon the expiry of his term of office. ^{Re-appointment}

(4) A member of the committee may be removed by a vote of two-thirds of the members of the county council present and voting thereon at a regular meeting of the council. ^{Removal from office}

(5) Where a member of the committee is so removed or dies or resigns his office, the county council may appoint some other person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed. ^{Vacancies}

Warden
ex officio
member

(6) The warden of the county for the time being is *ex officio* a member of the committee and may sit and vote thereon.

Suburban
road com-
missioners
as county
road
committee

(7) Where a county road system is established under this Part in a county in which a suburban roads commission has been appointed, the county may by by-law provide that the members from time to time of the suburban roads commission constitute the committee to direct the work to be done on the county road system and in such case this section does not apply. R.S.O. 1950, c. 166, s. 11 (4-10), *amended*.

County road
superin-
tendent

42.—(1) Where a county road system is established under this Part, the county shall by by-law appoint a county road superintendent who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*.

R.S.O. 1950,
c. 292

Duties

(2) The county road superintendent shall, under the direction of the county road committee, administer and manage the county road system.

Vacancy

(3) Where a vacancy occurs in the office of county road superintendent, the county shall appoint another qualified person to the office.

Copy of
by-law to
be sent to
Minister

(4) A copy of every by-law appointing a county road superintendent or dealing with his salary and allowance shall be transmitted to the Minister within thirty days of the passing thereof and has no force or effect until approved in writing by the Minister, and when so approved shall not be repealed or amended without the approval in writing of the Minister.

Members of
councils
not to be
appointed

(5) No member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. R.S.O. 1950, c. 166, s. 11 (11-15), *amended*.

Payment,
how to
be made

43. The disbursement of all moneys pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof. R.S.O. 1950, c. 166, s. 11 (16), *amended*.

Debentures

44.—(1) Subject to subsection 2, a county may, without the assent of the electors, pass by-laws to raise by debentures

payable in not more than twenty years in the manner provided by *The Municipal Act*, such sums as may be necessary to meet the actual expenditure for the construction of roads under this Part. R.S.O. 1950, c. 243

(2) Where a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under section 327 of *The Municipal Act*, the amount to be raised for the construction of roads under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with 5 per cent of the equalized assessment of the county added thereto. Limit of amount of county rate R.S.O. 1950, c. 166, s. 13 (1, 2), *amended*.

(3) A county may agree with a chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of construction of roads under this Part, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the county together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part V, and the county may pass by-laws to raise by debentures in the same manner as provided in subsection 1 such sums as may be necessary to repay such temporary advances. Temporary advances R.S.O. 1950, c. 166, s. 13 (4), *amended*.

45.—(1) Every county that has established a county road system shall submit to the Minister for his approval a by-law covering the estimated expenditure on roads for the calendar year not later than the 31st day of March of the year in which the expenditure is to be made, and such by-law shall include expenditures to be made by any suburban roads commission in the county. Submission of by-law covering estimated expenditure R.S.O. 1950, c. 166, s. 17 (1); 1956, c. 28, s. 1, *amended*.

(2) No subsidy shall be granted to a county for work undertaken by the county that has not been provided for by a by-law approved by the Minister. Subsidy R.S.O. 1950, c. 166, s. 17 (2), *amended*.

46.—(1) Where a plan of road construction and maintenance under this Part is being carried out, the county shall annually, and may with the consent of the Minister at any time during the progress of the work, submit to the Minister, Annual statement to Minister

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is

correct and that the work has been done in accordance with the requirements of the Minister;

- (c) a declaration of the county treasurer that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant authorized by resolution of the council, or in the case of an interim statement, by resolution of the county road committee. R.S.O. 1950, c. 166, s. 18 (1), *amended*.

Payment
to county

(2) Upon receipt of the statement, declarations and petition, the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 18 (2); 1952 (2nd Sess.), c. 2, s. 3, *amended*.

Certain ex-
penditures
not included
in statement

(3) Except with the consent of the Minister, no expenditure towards which a contribution has been or may be made from any source shall be included in a statement submitted under this section. R.S.O. 1950, c. 166, s. 19, *amended*.

Roads to be
county roads

47. The roads forming part of a county road system shall be maintained and kept in repair by the county, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement under this Act, and his decision is final. R.S.O. 1950, c. 166, s. 20, *amended*.

County road
system, con-
struction and
maintenance

48. Every road constructed or maintained as part of a county road system shall be constructed and maintained in accordance with the requirements of the Minister. R.S.O. 1950, c. 166, s. 21, *amended*.

County ex-
penditure
may include
ferry service

49. Expenditure for which a county may be entitled to aid to county roads under this Act may include the maintenance by the county of a ferry service that forms a connecting link of a county road system or forms a link between the county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service and tolls therefor are subject to the approval of the Minister. R.S.O. 1950, c. 156, s. 22, *amended*.

County ex-
penditure
may include
county
bridges
R.S.O. 1950,
c. 243

50.—(1) Where under *The Municipal Act* a county has jurisdiction over a bridge that is more than twenty feet in

span and the bridge is not in the county road system, the expenditure involved in constructing and maintaining the bridge under the supervision of the county road superintendent in accordance with plans approved by an officer of the Department designated by the Minister shall be deemed to form part of the expenditure in carrying out the plan of county road construction and maintenance, and debentures issued by a county after the 8th day of April, 1926, for the construction of any such bridge are legal, valid and binding upon the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*. R.S.O. 1950, c. 166, s. 23 (1); 1956, c. 28, s. 2, *amended*. R.S.O. 1950,
c. 243

(2) The Minister may direct the payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the cost of constructing and maintaining any such bridge more than twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister. R.S.O. 1950, c. 166, s. 23 (2); 1952 (2nd Sess.), c. 2, s. 4, *amended*. Aid to
county
bridges

(3) A county may by by-law provide that jurisdiction over every bridge of twenty feet or less in span that is not included in the county road system shall be transferred to the local municipality or municipalities in which it is situate, and thereupon all the rights, liabilities and obligations of the county with respect to such bridge are transferred to and vested in and imposed upon such local municipality or municipalities. Transfer
of small
bridges

(4) A county, with the approval of the Lieutenant-Governor in Council, may by by-law provide for the closing of any bridge over which the county has jurisdiction under *The Municipal Act* or the substitution therefor of any other structure and for that purpose may exercise as to such bridge or other structure and the approaches thereto all the powers of a county as to roads and bridges in a county road system. R.S.O. 1950, c. 166, s. 23 (3, 4), *amended*. Diverting
road to
avoid con-
struction
of bridge

51. Where a county road intersects a road that is not a county road, the continuation of the county road to its full width across the road so intersected is a part of the county road system, except in the case of an intersection by a county road of the King's Highway in which case section 21 applies. R.S.O. 1950, c. 166, s. 24, *amended*. Intersection
of other
roads by
county road

Sidewalks
excepted

52. A county is not liable for the construction or maintenance of sidewalks on any road in its county road system. R.S.O. 1950, c. 166, s. 25, *amended*.

Contribution
of cities,
etc., to
improvement
of county
roads

R.S.O. 1950,
c. 243

53. Where a county road leading or adjacent to a city or separated town is or is to be improved or requires or will require the expenditure of a greater amount for maintenance to meet in any such case the requirements of increased, heavy or other extraordinary traffic to or from the city or separated town beyond the requirements which, but for the existence of the city or separated town, would be deemed those of a standard road for the locality, the city or separated town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of the city or separated town shall be determined by arbitration under *The Municipal Act*, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the county for the payment of such amounts in annual instalments to be raised by an annual special rate upon the rateable property in the city or separated town. R.S.O. 1950, c. 166, s. 26, *amended*.

Agreement
between
local
municipality
and county
for extra
work

54.—(1) A local municipality that is not separated from the county and the county or the suburban roads commission may enter into an agreement in writing providing for the widening of any county or suburban road in the local municipality or for the construction of a pavement more than twenty-two feet in width or other special construction thereon and for the maintenance of such pavement or other special construction.

Either party
may do
work;
consent of
Minister

(2) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the agreement has been approved in writing by the Minister.

Acquisition
of land by
local muni-
cipality

(3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the local municipality, notwithstanding section 425 of *The Municipal Act*, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land, and the provisions of *The Municipal Act* as to the acquiring, occupying and taking of land for municipal purposes apply to the acquiring, occupying or taking of land under any such by-law.

(4) The local municipality shall convey the land so acquired to the county and thereupon the land becomes a part of the road and is included in the county road system, and, where the road has been designated and approved as a suburban road under Part V, the land becomes part of the suburban road. R.S.O. 1950, c. 166, s. 25 (1-4), *amended*. Transfer
to county

(5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (5). Apportion-
ment of
cost of
construction
of wider
pavements

(6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area. R.S.O. 1950, c. 166, s. 27 (6), *amended*. Minimum
proportion
to be borne
by county or
suburban
roads com-
mission

(7) Where there is an existing pavement twenty-two feet or less in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement. Idem, in case
of the
widening of
an existing
pavement

(8) Where there is an existing pavement more than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them. Idem

(9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs, Apportion-
ment of
cost of
maintenance

gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (7-9).

Minimum proportion to be borne by county or suburban roads commission

(10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Failure to agree

(11) Where the local municipality and the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either the local municipality and the county or the suburban roads commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into and such agreement may be enforced in the same manner as an agreement executed by the local municipality and by the county or the suburban roads commission.

Debentures for local municipality's share

R.S.O. 1950, cc. 243, 215

(12) The local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet its share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. R.S.O. 1950, c. 166, s. 27 (10-12), *amended*.

Subsidy to local municipality

(13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. R.S.O. 1950, c. 166, s. 27 (13); 1951, c. 33, s. 1; 1952 (2nd Sess.), c. 2, s. 5, *amended*.

(14) Where the agreement provides that the pavement or ^{Remedy over} a part thereof is to be maintained and kept in repair by the local municipality and the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 453 of *The Municipal Act* for ^{R.S.O. 1950, c. 243} damage suffered by or occasioned to any person in consequence of such default, the county or the suburban roads commission is entitled to the remedy over against the local municipality provided for by section 460 of *The Municipal Act*. R.S.O. 1950, c. 166, s. 27 (14), *amended*.

55.—(1) Where a road in an urban municipality not ^{Agreement between county and urban municipality re county road extensions, etc.} separated from the county is not a part of the county road system but is an extension of or connects roads in the county road system, the county shall enter into an agreement in writing with the urban municipality for the maintenance of such road, and, if it is in the public interest that such road be constructed, for the construction thereof.

(2) Where the county and the urban municipality are ^{Failure to agree} unable to agree whether it is in the public interest that such road be constructed, the Minister shall decide the issue and his decision is final.

(3) Where a county and an urban municipality are unable ^{Idem} to agree upon any term or condition or the form of an agreement required to be entered into under subsection 1 or where either refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the county and the urban municipality.

(4) The agreement has no force or effect until approved ^{Approval of Minister} in writing by the Minister.

(5) The agreement shall specify the party that is to do ^{Either party may do work} the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work. R.S.O. 1950, c. 166, s. 28 (1-5), *amended*.

(6) In the case of the construction of a pavement twenty- ^{How construction cost to be borne} two feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction. R.S.O. 1950, c. 166, s. 28 (6).

(7) In the case of the construction of a pavement more ^{Idem, in case of wider pavement} than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such

construction that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement twenty-two feet in width bears to the total area of such pavement or such approximation to that proportion as may be agreed upon.

Idem, in
case of
widening
existing
pavement

(8) Where there is an existing pavement twenty-two feet or less in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement that bears the same proportion to such total cost as the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be agreed upon.

Total cost,
what to
include

(9) The total cost mentioned in subsections 6, 7 and 8 includes the cost of any necessary grading, shouldering, under-drainage or base construction, but does not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality.

How main-
tenance
cost to be
borne

(10) In the case of the maintenance of a pavement or roadway twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance.

Idem, in
case of
wider
roadway

(11) In the case of the maintenance of a pavement or roadway more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such maintenance that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway twenty-two feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be agreed upon.

Total cost,
what to
include

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. R.S.O. 1950, c. 166, s. 28 (7-12), *amended*.

In case
of street
railway

(13) Where a part of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and, in determining the cost of construction or maintenance

that is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereof, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. 1951, c. 33, s. 2, *part, amended*.

(14) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway that is borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the county under this Part. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (1), *amended*. ^{Subsidy to county}

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (2), *amended*. ^{Subsidy to urban municipality}

(16) In the case of the construction or maintenance of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction and control of the urban municipality, the agreement shall provide that the cost of such construction or maintenance, exclusive of any part thereof that is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne 50 per cent by the county and 50 per cent by the urban municipality. 1951, c. 33, s. 2, *part, amended*. ^{Construction or maintenance of culvert or bridge, how cost to be borne}

(17) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (3); 1955, c. 87, s. 1, *amended*. ^{Subsidy to county}

Subsidy to
urban municipality

(18) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the urban municipality may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (4), *amended*.

Jurisdiction

(19) A road that is constructed or maintained under this section remains under the jurisdiction and control of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. 1951, c. 33, s. 2, *part, amended*.

R.S.O. 1950,
cc. 243, 215

County to
make contribution
towards
other roads
in urban
municipality

56.—(1) In addition to the amount that the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 54 and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 55, the county shall in the same year make a contribution towards the construction and maintenance of other roads in such urban municipality.

Form of
contribution

(2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality that is properly chargeable to road improvement under Part VII, or in the form of a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms.

Minimum
contribution

(3) Such contribution shall not be less in total value than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

How to be
paid

(4) Where in any year such contribution or a part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November in that year,

submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other roads by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year. 1951, c. 33, s. 2, *part, amended.*

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent thereof. 1951, c. 33, s. 2, *part: 1952 (2nd Sess.), c. 2, s. 7, amended.*

Subsidy to county

(6) An agreement for the construction of a county road extension or connecting link under section 55 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section does not apply. 1951, c. 33, s. 2, *part, amended.*

Agreement may exempt county from this section

57.—(1) Sections 462 and 464 of *The Municipal Act* do not apply to a bridge or road crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case, have adopted a plan of county road construction and maintenance under this Part, and such plan includes such bridge or road.

Disputes as to maintenance, etc., of bridges and roads
R.S.O. 1950, c. 243

(2) Where there is a difference between two or more municipalities in respect of any such bridge or road as to the municipality upon which the obligation rests, as to the construction and maintenance of the bridge or road or as to the proportions in which the municipalities should respectively contribute thereto, or where two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or road, every such difference shall be determined by the Board upon an application by any municipality interested in such bridge or road.

Disputes as to county boundary lines and bridges

(3) The Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality interested, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard

Hearing

to such bridge or road, and the Board may make such order in regard to the same as it deems just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the construction and maintenance of such bridge or road.

Duration of order

(4) An order of the Board under this section is binding upon all the municipalities interested for such period as the Board determines. R.S.O. 1950, c. 166, s. 29, *amended*.

Powers of county over roads assumed

58. A county has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred either by by-law or agreement or otherwise upon the local municipality or local municipalities that had jurisdiction over the roads before they were included in the county road system, and the county may sue thereon in the same manner and to the same extent as the local municipality or municipalities might have done if the roads had not been included in the county road system. R.S.O. 1950, c. 166, s. 30, *amended*.

Restrictions

59.—(1) A county in which a county road system has been established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on a local municipality by section 390 of *The Municipal Act*.

R.S.O. 1950,
c. 243

Conflict with local by-law

(2) In the event of conflict between a by-law passed under subsection 1 by a county and a by-law passed under section 390 of *The Municipal Act* by the local municipality in which the land is situate, the by-law of the county prevails to the extent of such conflict, but in all other respects the by-law passed by the local municipality remains in full force and effect. 1954, c. 34, s. 2, *amended*.

Gas pumps and signs on county roads

60.—(1) A county may, with respect to the roads under its jurisdiction and control, by by-law prohibit or regulate,

- (a) the placing, erecting or altering of any gasoline pump within 150 feet of any limit of a road; and
- (b) the displaying of any sign, notice or advertising device within one-quarter mile of any limit of a road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing, erecting, altering or displaying of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor, and may prescribe penalties for contravention of the by-law.

(3) A county shall submit a by-law passed under this ^{Approval} section to the Minister for his approval in writing and the by-law shall be in force and effect only on and after the day on which the approval is given. R.S.O. 1950, c. 166, s. 95, *amended*.

61.—(1) Where in the exercise of its powers or in the ^{Procedure} performance of its obligations under this Part a county finds ^{on expro-} that it is necessary to expropriate land for the purpose of ^{priation} opening up, widening, improving, protecting from erosion, ^{of land} altering or diverting a county road, the county may, instead of the procedure provided by *The Municipal Act*, proceed ^{R.S.O. 1950,} in the manner provided by Part I in the case of lands taken ^{c. 243} by the Minister under that Part, and the provisions of that Part apply *mutatis mutandis*, and the powers and duties of the Minister as set out in that Part may be exercised and performed in the name of the county. R.S.O. 1950, c. 166, s. 31, *amended*.

(2) The plan and description of the land to be expro- ^{Plan and} priated shall be signed by the warden and clerk of the county ^{description,} and by an Ontario land surveyor, and upon the registration ^{filing of} of the plan and description in the proper registry or land titles office the land is vested in the county. R.S.O. 1950, c. 166, s. 32; 1956, c. 28, s. 3, *amended*.

62. The Minister may arrange with the Government of ^{Roads in} Canada for the construction or maintenance, under the ^{Indian} supervision of the county road superintendent and in accor- ^{reserves and} dance with the requirements of the Minister, of any road ^{other lands} in a township or part of a township constituting an Indian ^{under the} reserve or of any road under the control of the Government ^{control of} of Canada that lies within the limits of a municipality not ^{the Govern-} separated from the county for municipal purposes where ^{ment of} the road forms an extension of or connecting link in a county ^{Canada} road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 46. 1956, c. 28, s. 4, *amended*.

PART V

SUBURBAN ROADS

63.—(1) The Lieutenant-Governor in Council, upon appli- ^{Suburban} cation of a county in which a county road system is established ^{roads com-} under Part IV, may direct that a commission be appointed in ^{mission} respect of each city or separated town in the county and,

subject to the approval of the Minister, each commission may designate roads in the county road system as suburban roads and the city or separated town shall contribute towards the construction and maintenance of such roads in accordance with this Part. R.S.O. 1950, c. 166, s. 34 (1), *amended*.

Duties

(2) The construction and maintenance of suburban roads and the expenditure thereon shall be directed by the suburban roads commission.

**Composition,
in city of
less than
50,000 or
town**

(3) In the case of a city having a population of less than 50,000 or of a separated town, the suburban roads commission shall be composed of three persons, one to be appointed by the city or separated town, one by the county, and the third to be agreed upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council.

**Idem, in
city of
50,000 or
more**

(4) In the case of a city having a population of 50,000 or more, the suburban roads commission shall be composed of five persons, two to be appointed by the city, two by the county and the fifth to be agreed upon by the four members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council.

**Time for
making
appoint-
ments**

(5) The city or the separated town and the county shall make their appointments of members of the suburban roads commission within thirty days from the date of the Order in Council directing the commission to be appointed.

**Term of
office**

(6) The members of a suburban roads commission shall hold office for a term of five years from the date of the Order in Council directing the commission to be appointed and no longer, and at the expiration of the period and thereafter at the expiration of every period of five years, the members of a commission shall be appointed as provided in this section, and any member of a commission is eligible for reappointment.

**Appointment
where de-
fault made**

(7) Where a city, separated town or county fails to make an appointment as required by this section, such appointment may be made by the Lieutenant-Governor in Council.

**Removal
of com-
missioners**

(8) A member of a suburban roads commission may be removed and another person appointed in his place by a vote of two-thirds of the members of the council that appointed him who are present and vote thereon at a regular meeting of the council, if notice of the intention of the council to determine the question of the removal has been given at the next preceding meeting of the council.

(9) Where a member of a suburban roads commission dies ^{Vacancies} or resigns or is removed, the authority by which the member was appointed shall appoint another person to fill the vacancy for the remainder of the term for which the person so dying, resigning or removed was appointed.

(10) Every suburban roads commission is a corporation ^{Incorporation and name} and the name by which it is to be known shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 40, *amended*.

(11) Notwithstanding any general or special Act, no person ^{Who ineligible to act as member of commission} who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission. R.S.O. 1950, c. 166, s. 41, *amended*.

64. A plan and description of the suburban roads de- ^{Deposit of plan} signated by a suburban roads commission shall be transmitted by the commission to the Minister within six months from the date of the Order in Council directing the appointment of the commission, and, after the approval thereof by the Minister, no alterations or amendments thereof shall be made by the commission until approved in like manner. R.S.O. 1950, c. 166, s. 34 (2), *amended*.

65.—(1) Suburban roads continue to be county roads under the jurisdiction and control of the county and the construction and maintenance thereof shall continue to be under the supervision of the county road superintendent but subject to the direction of the suburban roads commission, and the sums expended for construction and maintenance may be included in the statements of expenditure provided for in section 46, upon which the grants payable by the Province will be determined and paid. ^{Suburban roads continue as county roads}

(2) The work on suburban roads may be carried on under the supervision of an engineer with the same professional qualifications as a county road superintendent and employed for that purpose by the commission in place of the county road superintendent, and the provisions of this Act apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure on suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 46. R.S.O. 1950, c. 166, s. 35, *amended*. ^{Engineer of commission}

(3) Where the county road superintendent has supervision ^{Additional compensation to county road superintendent} over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the

payment to him of such annual sum in addition to his salary as county road superintendent as may be deemed proper. 1956, c. 28, s. 5, *amended*.

Expenditures

66.—(1) The expenditures on suburban roads shall be borne by the county, the city or separated town and the Province in the proportion of 25 per cent by the county, 25 per cent by the city or separated town and 50 per cent by the Province, but, where expenditure is made on a bridge or culvert, the Minister may direct the Province to bear a greater proportion, not exceeding 80 per cent thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or separated town. R.S.O. 1950, c. 166, s. 36 (1), *amended*.

Appropriation may be by resolution of county council

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the county council and may be made before the designation by the suburban roads commission of the roads upon which the appropriation is to be expended. R.S.O. 1950, c. 166, s. 36 (2), *amended*.

Limit of contribution by city or town

(3) The amount to be provided by the city or separated town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the last revised assessment roll, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year. R.S.O. 1950, c. 166, s. 36 (3); 1951, c. 33, s. 3, *amended*.

Notice to city or town by county clerk

67. The clerk of the county shall, not later than the 1st day of March in each year, notify the city or separated town of the amount appropriated by the county for the construction and maintenance of the suburban roads, and the treasurer of the city or separated town shall, not later than the 1st day of November following, transmit the equivalent amount to the treasurer of the county by whom it shall be paid to the order of the suburban roads commission. R.S.O. 1950, c. 166, s. 37, *amended*.

Provision for contribution by city or town to suburban roads

68.—(1) The council of each city or separated town shall provide annually or from time to time an amount equal to that appropriated by the county council for the construction and maintenance of suburban roads, and such amount shall be a debt due to the county by the city or separated town.

(2) For the purposes of this section, the city or separated town may raise from time to time such sums as may be required for construction by the issue of debentures, as in section 44 provided, but all sums required for the purposes of maintenance shall be provided from the current revenue of the municipality.

Issue of
debentures
for city's
or town's
share

(3) Where it appears that the rate of one-half mill on the dollar mentioned in subsection 3 of section 66 is not sufficient to carry out permanent or extensive work, the city or separated town, with the approval of the Minister, may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the annual rate of one-half mill on the dollar on paying off such debentures.

Issuing
town or city
debentures
for sub-
urban roads

(4) It is not necessary to obtain the assent of the electors to a by-law for the issue of debentures under this section or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 38, *amended*.

Assent of
electors not
required

R.S.O. 1950,
c. 243

69. No error or omission or insufficiency in the procedure provided for by this Act relieves a county or city or separated town from liability to contribute towards the construction and maintenance of suburban roads, and the treasurer of a city or separated town that is liable to contribute towards the construction and maintenance of suburban roads shall, not later than the 1st day of November in each year, forward to the county treasurer an amount equal to the amount appropriated by the county council for the construction and maintenance of suburban roads in that year, but the amount of such contribution shall be limited as provided by section 66. R.S.O. 1950, c. 166, s. 39, *amended*.

Informal-
ities not to
invalidate
proceedings

PART VI

TOWNSHIP ROADS

70.—(1) Every township in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads, and the Minister may direct that out of the moneys appropriated therefor by the Legislature 50 per cent, or such greater proportion as he deems requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province. R.S.O. 1950, c. 166, s. 43 (1); 1952 (2nd Sess.), c. 2, s. 9, *amended*.

Township
road super-
intendent

Approval of
by-law

(2) A copy of the by-law making such appointment shall be transmitted to the Minister within thirty days of the passing thereof and is subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Superin-
tendent to
conform to
requirements

(3) The township road superintendent shall conform to such requirements as the Minister prescribes.

Annual
statement
to Minister

(4) The council of a township in which statute labour has been abolished by by-law shall submit annually to the Minister a statement showing the amount of salary and expenses of the township road superintendent paid by the township, together with a declaration of the township treasurer that the statement is correct and also a declaration of the superintendent that he has *bona fide* performed the duties of superintendent, and on receipt of the statement and declarations the Minister may direct the Treasurer of Ontario to pay to the township the amount to which the township is entitled under this section.

Councillors
disqualified
as township
road super-
intendent

(5) No member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

Appointment
by Minister

(6) Where a township receives aid from the Province in excess of 60 per cent of the cost of work done upon township roads, the Minister may appoint a road superintendent for the purpose of supervising work to be undertaken and in that case it is not necessary for the township to appoint a road superintendent and the superintendent appointed by the Minister has and may exercise as to the work all the powers of a township road superintendent appointed under subsection 1. R.S.O. 1950, c. 166, s. 43 (2-6), *amended*.

Grants in
aid of town-
ship road
work

71.—(1) A township in which statute labour has been abolished by by-law may submit to the Minister for approval such plans, specifications or by-laws as he may require for any or all of the following purposes:

1. Grading.
2. Drainage for road purposes.
3. Gravelling, metalling with broken stone, or the construction of any kind of road surface.

4. Dust prevention by oiling, tarring or other means.
5. The systematic maintenance by dragging, gravelling or other means.
6. The construction of bridges, culverts and approaches thereto.
7. The opening of a new road or the relocating, widening or straightening of an existing road.
8. The purchase of gravel pits, stone quarries, materials, equipment and machinery.
9. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 44 (1), *amended*.

(2) The township shall submit a by-law covering the estimated expenditure on all road construction and maintenance for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to the township in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 44 (2); 1956, c. 28, s. 6, *amended*.

Submission of by-law covering estimated expenditure

(3) The Minister may direct that a subsidy under this Part shall be paid to a township in respect only of the expenditure on such road construction or maintenance as he designates and in every such case the by-law mentioned in subsection 2 shall cover only the estimated expenditure on work so designated. R.S.O. 1950, c. 166, s. 51, *amended*.

Minister to direct subsidy to be paid to township

72.—(1) When approved by the Minister, the work or expenditure for a purpose mentioned in section 71 shall be carried out in accordance with the requirements of the Minister and, upon the completion of any such work or expenditure, the township may submit to the Minister an application under section 71 for the subsidy authorized by this Part.

Application for subsidy

(2) Where the township is an island, expenditure for which the township may be entitled to aid under this Part may include the whole, or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the township, its lessee or licensee. R.S.O. 1950, c. 166, s. 45 (1, 2), *amended*.

Cost of ferry service may be included

(3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act

Roads in Indian reserves

as road superintendent, to supervise the construction and maintenance, in accordance with the requirements of the Minister, of the roads in any township or part of a township constituting the Indian reserve and, where such an arrangement has been made, the Government of Canada may apply under section 73 for the subsidy authorized by this Part, and this Part applies *mutatis mutandis* thereto. R.S.O. 1950, c. 166, s. 45 (3); 1956, c. 28, s. 7, *amended*.

Annual
statement
to Minister

73.—(1) A township shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials that was not paid to the persons performing the work or supplying the materials in cash or by cheque of the township; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 46 (1), *amended*.

Amount of
subsidy

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 46 (2); 1952 (2nd Sess.), c. 2, s. 10, *amended*.

Where rate
of subsidy
may be
varied

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that aid so granted may,

- (a) in the case of a bridge or culvert, be any percentage up to 100 per cent; and

- (b) in the case of any other road improvement, be any percentage up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. R.S.O. 1950, c. 166, s. 47; 1952 (2nd Sess.), c. 2, s. 11, *amended*.

(4) Expenditure in respect of which aid may be granted Exclusions under this section does not include,

- (a) any amount levied in the township for county road purposes; or
- (b) except with the consent of the Minister, any other road expenditure towards which a contribution has been paid or may be payable from any source. R.S.O. 1950, c. 166, s. 48, *amended*.

74.—(1) A city or town in a provisional judicial district, Contribution of city or town in a provisional judicial district to improvement of township roads by by-law passed with the assent of at least two-thirds of the members of its council, may agree with a township to share the cost of construction or maintenance of any township road that leads or is adjacent to the city or town or which, by reason of the existence of the city or town, is subject to extraordinary traffic. R.S.O. 1950, c. 166, s. 49 (1), *amended*.

(2) Where the cost of construction or maintenance of a township road is shared by a city or town under an agreement How cost to be borne made under this section, the Minister may direct that there shall be paid to the township out of the moneys appropriated therefor by the Legislature such proportion of the expenditure made on such road as is fixed under this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. R.S.O. 1950, c. 166, s. 49 (2); 1952 (2nd Sess.), c. 2, s. 12, *amended*.

75. The council of a township in which statute labour has been abolished by by-law, and Different rates in summer resort or suburban areas

- (a) in which subdivisions have been laid out; or
- (b) in which parts are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate the subdivisions or parts for the purposes of taxation from the remainder of the township by defining the limits of the subdivisions or parts and in imposing the township rate for road purposes may impose and levy a higher rate upon the subdivisions or parts than upon the remainder of the township, but no such by-law has effect

until it has been approved in writing by the Minister and the amount raised by increasing the rate shall not be included in determining the expenditure of the township on which any subsidy may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 50 (2); 1952 (2nd Sess.), c. 2, s. 13, *amended*.

PART VII

CITY, TOWN AND VILLAGE ROADS

Submission
of by-law
covering
estimated
expenditure

76. Every city, town and village, except a city or separated town that does not contribute towards the construction and maintenance of suburban roads, may submit a by-law covering the estimated expenditure on the construction and maintenance of its roads for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to a city, town or village in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 56, *amended*.

Annual
statement
to Minister

77.—(1) Where the Minister has approved a by-law to provide for expenditure under this Part, the city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 58 (1), *amended*.

Payment
of subsidy

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to,

(a) in the case of a city or separated town, $33\frac{1}{3}$ per cent; and

(b) in all other cases, 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 58 (2); 1952 (2nd Sess.), c. 2, s. 16, *amended*.

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that the aid so granted may, Where rate of subsidy may be varied

(a) in the case of a bridge or culvert, be any percentage up to 80 per cent; and

(b) in the case of any other road improvement, be any percentage up to 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. 1956, c. 28, s. 9, *amended*.

(4) Where the construction or maintenance of a road in a city, town or village that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the city, town or village on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. R.S.O. 1950, c. 166, s. 58 (3), *amended*. In case of expenditure on connecting link of the King's Highway

78. Expenditures that are properly chargeable to road improvement include those made for any or all of the following purposes: Expenditures eligible for subsidy

1. Opening a new road and acquiring the necessary land therefor.
2. Clearing a road of obstructions.
3. Widening, altering or diverting a road.

R.S.O. 1950,
c. 318

4. Subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road by an operating corporation.
5. Constructing and maintaining bridges, culverts or other structures, other than sewers, incidental to the construction of a road.
6. Grading.
7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor, other than sewers.
8. Constructing and maintaining any type of road surface.
9. Constructing and maintaining curbs, gutters and catch basins.
10. Clearing snow and applying chemicals or abrasives to icy surfaces.
11. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 59, *amended*.

Opening or
constructing
road in
subdivision
not eligible

79. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, the expenditures made on the opening or constructing of any road therein are not properly chargeable to road improvement under this Part unless the road is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Minister. R.S.O. 1950, c. 166, s. 60 (1, 2); 1953, c. 45, s. 1, *amended*.

Expendi-
tures, how
provided for

80. Except with the consent of the Minister, no expenditures, other than those that are provided for entirely by aid granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality or by the issue of debentures to be retired by a general rate so levied, shall be included in the statement submitted under section 77. R.S.O. 1950, c. 166, s. 61, *amended*.

Contribution
of county
under s. 56
may be in-
cluded in
statement
for subsidy

81. Notwithstanding section 80, any contribution made by a county under section 56 towards the construction and maintenance of roads, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 77 for the purpose

of determining the grant payable to such urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certified by the county road superintendent may be so included. 1955, c. 28, s. 3, *amended*.

82. In the case of a city or separated town, the Minister may require that of the expenditure to be made under this Part so much as is necessary shall be made on the construction and maintenance of the roads that he designates as extensions or connecting links of the King's Highway. R.S.O. 1950, c. 166, s. 62, *amended*.
King's Highway extension or connecting link

83. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* a city, town or village grants aid to a township towards the construction or maintenance of a township road, the aid so granted is properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. 1951, c. 33, s. 4, *amended*.
Aid granted to township by city, town or village to be subsidized R.S.O. 1950, c. 243

PART VIII

DEVELOPMENT ROADS

84.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a municipality, not being a city or separated town, in order to promote or maintain settlement or development, and the Minister and the municipality may enter into an agreement for its construction or maintenance, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he deems requisite. R.S.O. 1950, c. 166, ss. 53, 54 (1); 1952 (2nd Sess.), c. 2, s. 15, *amended*.
Agreement with municipality as to development roads

(2) A development road constructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality. R.S.O. 1950, c. 166, s. 54 (2), *amended*.
Road remains under control of municipality

PART IX

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

85.—(1) In this section,

Interpretation

- (a) "cost of the work" includes the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the

R.S.O. 1950,
c. 372

secretary-treasurer of the road commissioners elected under *The Statute Labour Act*, and the sheriff's costs in connection with the sale of land for arrears of statute labour;

- (b) "value of the labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed. R.S.O. 1950, c. 166, s. 52 (1).

Arrange-
ments for
construction
or main-
tenance

(2) The Minister may arrange with the road commissioners elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he deems requisite. R.S.O. 1950, c. 166, s. 52 (2); 1952 (2nd Sess.), c. 2, s. 14 (1), *amended*.

Where in-
corporation
desirable

R.S.O. 1950,
c. 243

(3) Where the Minister deems it desirable that the inhabitants of any territory without municipal organization should become incorporated under *The Municipal Act*, the amount that may be paid out under this section in respect of a road in that territory shall not exceed 50 per cent of the value of the labour employed on the work. R.S.O. 1950, c. 166, s. 52 (3); 1952 (2nd Sess.), c. 2, s. 14 (2), *amended*.

PART X

GENERAL

Controlled-
access road
designation

86. Subject to the approval of the Board, a municipality may by by-law designate any new road established under section 469 of *The Municipal Act* as a controlled-access road. 1954, c. 34, s. 4, *amended*.

Interpre-
tation

87.—(1) In this section, "road" includes an unopened road allowance. *New*.

Closing of
intersecting
municipal
roads

(2) Subject to the approval of the Board, a municipality may by by-law close a municipal road that intersects or runs into a controlled-access road designated under section 86.

Application
for approval

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be

filed with the Board and the municipality within such time as the Board directs.

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. 1954, c. 34, s. 4, *amended*. ^{Powers of Board}

(5) The municipality or any person, including a municipality or a local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto. ^{Appeal}

(6) Upon the closing of a road in accordance with an order of approval, the municipality shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*. ^{Compensation}

88.—(1) A municipality may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road designated under section 86 and may impose penalties for contravention of any such by-law. ^{Private roads, etc., opening upon controlled-access road}

(2) The municipality may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 in contravention of a by-law passed under subsection 1. ^{Notice}

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. ^{Service of notice}

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice. ^{Failure to comply with notice}

Offence and
penalties

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. 1954, c. 34, s. 4, *amended*.

Compensation

(6) Where a notice given under subsection 2 has been complied with, the municipality shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Procedure

(7) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*. *New*.

Authority
of road
superintendent
with regard
to drainage
R.S.O. 1950,
cc. 105, 246

89. The road superintendent appointed by a road authority under this Act may, without any direction from the Minister or road authority by which he is appointed, initiate and carry out proceedings under *The Ditches and Watercourses Act* and may sign petitions under *The Municipal Drainage Act* for the purpose of procuring proper drainage for any road within the jurisdiction and control of the road authority, and he has authority to file or receive notices as owner in accordance with the procedure prescribed by such Acts. R.S.O. 1950, c. 166, s. 96, *amended*.

Obtaining
gravel for
road
purposes
R.S.O. 1950,
c. 243

90.—(1) Notwithstanding *The Municipal Act*, a road superintendent may, without the passing of a by-law or resolution, apply to the owner of any gravel pit or gravel land for gravel for road purposes.

Application
to state
price offered

(2) The road superintendent shall state in the application the price per cubic yard or per acre of such amount of gravel as he requires.

Application
to county
judge to
fix price

(3) If the owner does not, within three days after receiving the application, agree with the road superintendent to sell the gravel or the land and as to the price at which the same shall be sold, the road superintendent may, upon seven days notice in writing to the owner, apply to a judge of the county

or district court of the county or district in which the gravel or the land is situate for an order fixing the price to be paid for the gravel or the land, and the judge upon the application and upon hearing such evidence as he deems necessary may fix the price per cubic yard or per acre to be paid for the gravel or the land and may order and direct that upon the payment or tendering of the price so fixed the road superintendent, by his servants or agents, may enter upon the lands and take the gravel so required.

(4) An appeal lies from the order of the judge of the county ^{Appeal} court to the Court of Appeal. R.S.O. 1950, c. 166, s. 97, *amended*.

91.—(1) While a work authorized by this Act is in progress ^{Closing} on a road, other than the King's Highway, the road super- ^{road to} intendent or a person authorized by him may close the road ^{traffic} to traffic for such time as the road superintendent or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

(2) While a road is so closed to traffic, the municipality ^{Alternative} having jurisdiction and control of the road shall provide and ^{route to be} keep in repair an alternative route for traffic and for all ^{provided} property owners who cannot obtain access to their property by reason of such closing, and for the period during which the road is closed to traffic the alternative route is under the jurisdiction and control of that municipality.

(3) While a road is so closed to traffic, the road super- ^{Barricades} intendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of the road so closed, and wherever an alternative route deviates therefrom, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the road is closed to traffic. R.S.O. 1950, c. 166, s. 98 (2, 3), *amended*.

(4) Every person using a road closed to traffic in accordance ^{No muni-} with this section does so at his own risk and the municipality ^{cipal liability} having jurisdiction and control of the road is not liable for any damage sustained by a person using a road so closed to traffic. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

(5) Every person who without lawful authority uses a ^{Offence and} road so closed to traffic while it is protected in accordance ^{penalty} with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty or not more than \$50 and is also liable to the

municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement.

Application of section to special cases

(6) This section applies to any road for which provision has been made under any Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 98 (4, 5), *amended*.

Repair and maintenance of road by Department on default of municipality

92. Where an engineer of the Department reports to the Minister that a municipal road is out of repair, the Minister may, after at least two months notice in writing to the municipality, direct the Department to undertake the work of putting the road in repair, and the cost of the work shall be chargeable to and shall be a debt due from the municipality to the Crown, and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. R.S.O. 1950, c. 166, s. 98 (6); 1956, c. 28, s. 26, *amended*.

Excavated material

93. Notwithstanding any other Act, no earth, debris or excavated material shall be deposited within the limits of any road without permission in writing so to do from the road authority responsible for the maintenance of the road. R.S.O. 1950, c. 166, s. 99, *amended*.

Local municipalities may construct sidewalks, etc.

94.—(1) A local municipality may construct a sidewalk or other improvement or service on a highway or road with the written consent of the authority having jurisdiction and control of the highway or road.

How cost provided

(2) The cost of such a sidewalk, improvement or service may be met out of the general funds of the local municipality or out of funds of the authority having jurisdiction and control of the highway or road, or the work may be undertaken as a local improvement under *The Local Improvement Act*.

R.S.O. 1950, c. 215

Local municipality to conform to requirements and be responsible for damage

(3) A local municipality when constructing such a sidewalk, improvement or service shall conform to any requirements or conditions imposed by the authority having jurisdiction and control of the highway or road, and is responsible for any injury or damage occasioned by the construction or presence of the sidewalk, improvement or service. R.S.O. 1950, c. 166, s. 100 (1-3), *amended*.

Construction of sidewalk or footpath

(4) A township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and, upon the approval being given, the township

may apply to the Minister in the form prescribed by him for the payment to it out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work, and the Minister may authorize the payment. R.S.O. 1950, c. 166, s. 100 (4); 1952 (2nd Sess.), c. 2, s. 20; 1956, c. 28, s. 27, *amended*.

95. A municipality or suburban roads commission may plant trees on its roads, and the cost of the work shall be deemed to be part of the cost of maintaining the road. R.S.O. 1950, c. 166, s. 101, *amended*. Planting trees

96.—(1) A road superintendent, with the approval of the road authority, may enter into an agreement with the owner of any land adjacent to a road under the jurisdiction and control of the road authority for the removal of any tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjoining the road and that may cause the drifting or accumulation of snow or may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road, and the agreement may provide for the amount of compensation to be paid to the owner for damages caused to him by reason of such removal. Agreement with owner for removal

(2) Where the road superintendent is of the opinion that a tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjacent to the road will cause the drifting or accumulation of snow or will injuriously affect the road or will obstruct the vision of pedestrians or drivers of vehicles on the road and he is unable to agree with the owner of the land for the removal of the same or as to the amount of compensation to be paid therefor, he may, with the approval of the road authority, apply to a judge of the county court of the county in which the land affected is situated for an order authorizing him to enter upon the land affected and remove any object with respect to which the application is made, and the judge, upon such notice to the owner of the land as he deems proper, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion are equitable. Application to judge for order to remove

(3) *The Judges' Orders Enforcement Act* applies to every application and order made under subsection 2. Application of R.S.O. 1950, c. 189

(4) A county or township may by by-law determine and fix the distance from the centre line of a road under its jurisdiction and control within which the owner of any lands adjacent to the road shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected By-laws for clearing adjacent land

any fence, sign board, gasoline pump, building or other structure that may cause the drifting or accumulation of snow or that may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road. R.S.O. 1950, c. 166, s. 102, *amended*.

Agreements
for widening

97.—(1) A municipality, other than a city or separated town, with the approval of the Minister, may make an agreement with the road authority having jurisdiction and control of the King's Highway, a county road or a suburban road for the widening of the highway or road in the municipality, and may make a further agreement with the road authority and any municipality or commission interested in the highway or road and with any municipality, commission or company owning or operating a street railway or electric railway on the highway or road fixing the proportions in which the cost of the widening and of the removal or replacing or altering of the tracks of the street railway or electric railway consequent upon the widening shall be borne by the municipality, the road authority, any municipality or commission interested in the highway or road and by the municipality, commission or company owning or operating the street railway or electric railway.

Apportion-
ing cost

(2) Where the parties to the proposed agreement are unable to agree as to the proportion in which each of them shall so contribute, the same shall be determined by the Board and the decision of the Board is final and conclusive and is not subject to any appeal.

By-law for
acquiring
land

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway or road, the municipality may pass by-laws for acquiring by purchase or otherwise or for expropriating any land described in the agreement or necessary to carry out the provisions thereof, and *The Municipal Act* as to the acquiring, occupying or taking of land for municipal purposes applies to the acquiring, occupying or taking of land under the by-law.

R.S.O. 1950,
c. 243

Voluntary
contributions
from munici-
palities

(4) A county not having jurisdiction and control of the highway or road but through which the highway or road passes may agree to contribute to the cost of the widening of the highway or road, but nothing in this section shall be deemed to render it compulsory upon the county to so contribute. R.S.O. 1950, c. 166, s. 103, *amended*.

Aid to com-
missions
governing
certain
localities

98. A commission appointed under an Act of the Legislature for the purpose of exercising or carrying out in any particular locality powers elsewhere exercisable by a municipality with respect to the construction of roads has the like rights and powers and shall perform the like duties and be

entitled to the same aid as a township under this Act. R.S.O. 1950, c. 166, s. 104, *amended*.

99. Where a subsidy is applied for under this Act, vouchers ^{Vouchers} covering all expenditures in respect of which the subsidy is applied for shall be furnished to the Minister in a form satisfactory to him and the Minister may require the production of any book, statement or other document respecting such subsidy. R.S.O. 1950, c. 166, s. 105; 1956, c. 28, s. 28, *amended*.

100.—(1) If resistance or opposition is made to the ^{Warrant} Minister or any person authorized by him entering upon or taking possession of land under this Act or exercising any other power in respect of land under this Act, the Minister may apply to a judge of the Supreme Court or of a county or district court of the county or district in which the land is situate for a warrant (Form 1) directing the sheriff of such county or district to put down such resistance or opposition and to put the Minister in possession of the land or to take such steps as may be necessary to enable the Minister to exercise such power.

(2) The judge shall in writing appoint a time and place ^{Hearing} for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

(3) On proof of such resistance or opposition and of the ^{Issue of} interest of the Crown in such land or of the intention of the Minister to exercise a power in respect thereof, the judge may ^{warrant} issue the warrant.

(4) The sheriff shall forthwith execute the warrant and ^{Execution} make a return to the judge of the execution thereof. *New.* ^{of warrant}

101. The cost of material, labour, special engineering or ^{How cost} other services, land and property or options thereon, plant, ^{to be} machinery and equipment and the repair and maintenance of ^{provided} plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 73; 1952 (2nd Sess.), c. 2, s. 17, *amended*.

102.—(1) The Highway Reserve Account in the Consoli- ^{Highway} dated Revenue Fund is continued and the Lieutenant- ^{Reserve} Governor in Council may order amounts in the Consolidated ^{Account} Revenue Fund to be credited to the Highway Reserve Account.

Idem

(2) There may be paid out of the Highway Reserve Account such amounts as are necessary to pay the expenditures incurred in the construction of highways up to but not exceeding the amount authorized by the Legislature to be paid out of the Highway Reserve Account for such purpose. 1952 (2nd Sess.), c. 2, s. 21, *amended*.

Application
of fines

103. Notwithstanding anything in any other Act, all fines and penalties recovered for offences under this Act committed on or with respect to a highway under the jurisdiction and control of the Department shall be paid to the Department. R.S.O. 1950, c. 166, s. 86 (2), *amended*.

Repeal:

104. The following are repealed:

R.S.O. 1950,
c. 166, except
ss. 69, 81, 82

1. *The Highway Improvement Act*, except sections 69, 81 and 82 thereof.

1951, c. 33

2. *The Highway Improvement Amendment Act, 1951.*

1952
(2nd Sess.),
c. 2

3. *The Highway Improvement Amendment Act, 1952.*

1953, c. 45

4. *The Highway Improvement Amendment Act, 1953.*

1954, c. 34

5. *The Highway Improvement Amendment Act, 1954.*

1955, c. 28

6. *The Highway Improvement Amendment Act, 1955.*

1956, c. 28,
except s. 18

7. *The Highway Improvement Amendment Act, 1956,*
except section 18 thereof.

Commence-
ment

105. This Act comes into force on the day it receives Royal Assent.

Short title

106. This Act may be cited as *The Highway Improvement Act, 1957.*

FORM 1
WARRANT

(Sec. 100)

PROVINCE OF ONTARIO
COUNTY (or DISTRICT) OF

} IN THE MATTER OF
} *The Highway Improvement Act*
} AND IN THE MATTER OF
}

To

SHERIFF, ETC. :

WHEREAS resistance or opposition has been made to the Minister of Highways or a person authorized by him entering upon or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 100 of *The Highway Improvement Act* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the Minister of Highways in possession of the said land (*or*, to put down such resistance or opposition and take such steps as may be necessary to enable the Minister of Highways to), and make a return to me of your execution hereof.

GIVEN under my hand this day of 19....

.....
JUDGE

New.

BILL

The Highway Improvement Act, 1957

1st Reading

February 4th, 1957

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
The Highway Improvement Act, 1957

MR. ALLAN (Haldimand-Norfolk)

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

This bill contains a general revision of *The Highway Improvement Act*. It was last revised in 1926. The Parts and the sections within the Parts have been re-arranged in a more logical order and reference to procedures in *The Public Works Act* has been avoided so that the Act as revised is entirely self-contained.

One of the important features of this revision is that the provisions respecting the powers that the Minister may exercise with respect to land without the owner's consent and the right to compensation therefor and the procedures relating thereto have been clarified.

Another important feature is that the provisions respecting controlled-access highways have been brought into line with present-day conditions.

While many of the provisions are shown in the footnote as being amended, this does not necessarily mean a change in principle. Many changes so indicated are editorial only and are made in order to have uniformity of expression throughout the Act.

The arrangement of the revised Act is as follows:

Section 1	Interpretation	pp. 1, 2
Part I (ss. 2-33)	The King's Highway	pp. 2-17
Part II (ss. 34-38)	Controlled-access Highways	pp. 17-21
Part III (s. 39)	Secondary Highways	p. 21
Part IV (ss. 40-62)	County Roads	pp. 21-37
Part V (ss. 63-69)	Suburban Roads	pp. 37-41
Part VI (ss. 70-75)	Township Roads	pp. 41-46
Part VII (ss. 76-83)	City, Town and Village Roads	pp. 46-49
Part VIII (s. 84)	Development Roads	p. 49
Part IX (s. 85)	Roads in Territory without Municipal Organization	pp. 49, 50
Part X (ss. 86-106)	General	pp. 50-58

SECTION 1. The definitions are basically the same as in the present Act.

SECTION 2. No change in principle.

SECTION 4. This section sets out the Minister's powers with respect to the use of land without the owner's consent. The right of a land owner to compensation is provided for explicitly in section 11.

SECTIONS 5, 6, 7, 8 and 9. No change in principle. The procedures are clarified.

SECTION 10—Subsection 1. The provision requires the Minister to give notice to a land owner where land is taken or injuriously affected by the exercise of the Minister's powers under section 4 or 7. The new section also provides for the filing of a claim for compensation.

Subsections 2 and 3. These subsections protect the right of a land owner to compensation where the Minister fails to give the required notice.

SECTION 11. This important section requires the Minister to make due compensation to a land owner who suffers damage as a result of the exercise by the Minister of his compulsory powers under section 4 or 7.

The section also provides the procedure for determining the amount of the compensation that shall be paid.

The present Act contains a number of different procedures for determining compensation. This section establishes one procedure which applies in all compensation cases under the Act.

SECTIONS 12, 13 and 14. No change in principle.

SECTION 15. Under this new section the Minister may require particulars of a claim for compensation or damages in order that he may properly assess the situation and thus expedite settlement of the claim.

SECTIONS 16, 17, 18, 19, 20 and 21. No change in principle.

SECTION 22. There is no change in principle in this section except that the maximum width of roadway that may be constructed or maintained under an agreement is increased from 33 feet to 48 feet.

SECTION 23. No change in principle.

SECTION 24—Subsection 1. No change in principle.

Subsection 2. The powers of the Lieutenant-Governor in Council in this respect are broadened in order to give the Department adequate control over roads entering, etc., the King's Highway.

SECTION 25. No change in principle.

SECTION 26. The scope of the section has been broadened.

SECTION 27—Subsections 1 and 2. No change in principle.

Subsection 3. The provision brings this part of the Act into line with the corresponding part of the Act applicable to municipal roads.

Subsections 4 and 5. No change in principle.

SECTIONS 28 and 29. No change in principle.

SECTION 30. The scope of the provision is broadened.

SECTION 31. No change in principle.

SECTION 32. This is an important section. The definition of the area of control at an intersection is altered so that the controlled area may be more accurately determined. The right to compensation has been extended to include certain cases where there has been some doubt as to the right to compensation.

SECTIONS 34 and 35. No change in principle.

SECTION 36—Subsection 1. The definition of the area of control at an intersection is altered so that the controlled area may be more accurately determined.

Subsection 2. The controlled area at an intersection has been extended from a square with sides of approximately 1,200 feet to a circle with a radius of 1,300 feet measured from the centre point of the intersection. This change is necessary in view of the design of modern interchanges.

Subsection 3. This new subsection is designed to assist in enforcing the prohibitions.

Subsection 4. The prohibitions of the present Act do not apply in a city, town or village unless the Minister so directs. The new subsection reverses the procedure so that the prohibitions will apply in a city, town or village unless the Minister makes a direction to the contrary.

Subsections 5, 6 and 7. No change in principle.

Subsection 8. Self-explanatory.

Subsection 9. The right to compensation has been extended to include certain cases where there has been some doubt as to the right to compensation.

Subsection 10. The procedure for determining compensation is clarified.

Subsections 11 and 12. No change in principle.

SECTIONS 37, 38, 39, 40, 41, 42 and 43. No change in principle.

SECTION 44. The new section eliminates certain provisions which are now covered by *The Ontario Municipal Board Act*.

SECTIONS 45 to 86 inclusive. No change in principle.

SECTION 87. This section is revised to make the procedure in relation to municipally-controlled-access roads analogous to the procedure relating to controlled-access highways. This is particularly so in relation to the compensation provision.

SECTION 88—Subsection 1. This subsection makes it clear that a municipality may pass by-laws regulating entrances to its controlled-access roads.

Subsections 2, 3, 4, 5, 6 and 7. These subsections are revised to make them analogous to the provisions applicable to controlled-access highways.

SECTIONS 89 and 90. No change in principle.

SECTION 91—Subsections 1, 2, 3 and 4. No change in principle.

Subsection 5. This subsection eliminates the onus placed on county road superintendents under the present practice.

Subsection 6. No change in principle.

SECTIONS 92, 93, 94, 95, 96, 97, 98 and 99. No change in principle.

SECTION 100. This section revises and improves the procedure for the issuing of a warrant for possession of lands acquired by the Minister. A form of warrant is now prescribed; it is set out as Form 1 of the Act.

SECTION 101. No change in principle.

SECTION 102. Moneys will hereafter be placed to the credit of the Highway Construction Account by the Lieutenant-Governor in Council and moneys will hereafter be paid out of the Highway Construction Account up to the amount authorized by the Legislature.

BILL

The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "bridge" means public bridge and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "construction" includes re-construction;
- (d) "Department" means Department of Highways;
- (e) "Deputy Minister" means Deputy Minister of Highways;
- (f) "highway" means a common or public highway or any part thereof and includes a street, bridge and any other structure incidental thereto and any part thereof;
- (g) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (h) "maintenance" includes repair;
- (i) "Minister" means Minister of Highways;
- (j) "owner" includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (k) "regulations" means regulations made under this Act;

- (l) "road" has the same meaning as highway;
- (m) "road authority" means a body having jurisdiction and control of a highway;
- (n) "roadway" means that part of a highway designed or intended for use by vehicular traffic. R.S.O. 1950, c. 166, s. 1, cls. (b-d), (f-i); c. 323, s. 1, cls. (a, e, h), *amended*.

PART I

THE KING'S HIGHWAY

Property
vested in
Crown

2.—(1) All property acquired under this Part is vested in the Crown and is under the jurisdiction and control of the Department. R.S.O. 1950, c. 166, s. 65, *amended*.

Property
may be
sold, etc.

(2) Subject to subsection 2 of section 3, all property that is under the jurisdiction and control of the Department may be leased, sold or otherwise disposed of by the Minister. R.S.O. 1950, c. 166, s. 71 (1), *amended*.

Crown
Land
Plans

3.—(1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan and description of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part.

Crown
land no
longer
required

(2) Where jurisdiction and control of land or any part thereof acquired under subsection 1 is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. *New.*

Power to
enter on
land, etc.

4. The Minister or any person authorized by him may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to or from any land; or
- (d) place upon or remove from any land any substance or structure,

for any purpose of this Part. *New.*

5. The Lieutenant-Governor in Council may designate a ^{Designation of the King's Highway} highway or proposed highway as the King's Highway. R.S.O. 1950, c. 166, s. 64 (1), *amended.*

6.—(1) Where the Minister desires to acquire an existing ^{Procedure for acquiring a highway} highway, he shall register in the proper registry or land titles office a plan and description of the highway to be known as and marked "Assumption Plan" and signed by himself, or ^{Assumption Plan} by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. R.S.O. 1950, c. 166, s. 66 (1); 1956, c. 28, s. 11 (1), *amended.*

(2) The Minister may, before registering an ^{Preliminary Assumption Plan} Assumption Plan, register in the proper registry or land titles office a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway shall thereafter be registered under subsection 1. R.S.O. 1950, c. 166, s. 66 (3); 1956, c. 28, s. 11 (2), *amended.*

7.—(1) The Minister may, in the name of Her Majesty, ^{Land may be acquired or expropriated} acquire by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land for the purposes of this Part or for making compensation in whole or in part to any person under this Part. R.S.O. 1950, c. 166, s. 68, *amended.*

(2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan and description of the land ^{Procedure for expropriation of land} to be known as and marked "Land Plan" and signed by himself, or by the

Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land vests in the Crown.

Where land temporarily required, etc.

(3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

Power to take whole lot when part only required

(4) Where the Minister is of opinion that he can obtain the whole of a lot or parcel of land at a more reasonable price or to greater advantage than by acquiring a part thereof only, he may expropriate the whole of the lot or parcel and also any right-of-way thereto. *New.*

Correction of errors

8. In case of any omission, misstatement or erroneous description in any plan or description registered under this Part, the Minister may register in the proper registry or land titles office a plan or description replacing or amending such original plan or description and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby. R.S.O. 1950, c. 166, s. 72 (4), *amended.*

Verification of plans and descriptions

9. Where a plan and description purporting to be signed by any of the persons authorized so to do is registered under this Part, it shall be deemed to have been registered by the direction and authority of the Minister and as indicating that in the opinion of the Minister the highway described or the land described is necessary for the purposes of this Part, and the plan and description shall not be called in question except by the Minister or by a person authorized by the Minister. *New.*

Notice to be given to owner

10.—(1) Where any of the powers conferred by section 4 or 7 have been exercised, the Minister shall, within sixty days thereafter, give notice to the owner,

(a) if the owner is known and his residence is known, by serving upon or by mailing by registered letter addressed to him at his last known place of residence

a notice describing the land affected and the power exercised and stating that every person having any claim to compensation must file the claim in the office of the Minister within six months after the date of the notice, or, in the case of land injuriously affected, within six months after the injury complained of, or, in the case of a continuing injury, within one year from the time when the injury began or became known to him; or

- (b) if the owner is unknown or his place of residence is unknown, by the publication of a similar notice once a week for at least three weeks in a newspaper having general circulation in the county or district in which the land affected is situate.

(2) Where notice has been given under subsection 1, a claim for compensation shall be made within the time limited by the notice. ^{Where notice given}

(3) Where no notice has been given under subsection 1, a claim for compensation may be made at any time by giving notice thereof to the Minister, and the provisions of this Part with respect to the fixing, payment and application of compensation apply thereto. ^{Where no notice given} *New.*

11.—(1) The Minister shall make due compensation to the owner of land for any damage necessarily resulting from the exercise of any of the powers conferred by section 4 or 7, beyond any advantage that the owner may derive from the contemplated work. ^{Right to compensation} *New.*

(2) Every such claim for compensation not agreed upon by the Minister and the claimant shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 98, applies so far as is practicable to every such claim that is referred to the Board. ^{Determination of compensation R.S.O. 1950, c. 262} R.S.O. 1950, c. 166, s. 91 (1), *amended.*

(3) The Minister or the claimant may, with leave of the Court of Appeal, appeal to that court from any determination or order of the Board as to compensation under this Part. ^{Appeal to Court of Appeal} 1953, c. 45, s. 2, *part.*

(4) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Board and the rules of court as to court vacations apply. ^{Time for appeal} *New.*

(5) The leave may be granted on such terms as to the appellant giving security for costs and otherwise as the court deems just. ^{Terms} 1953, c. 45, s. 2, *part.*

Procedure

(6) Subject to subsection 4, the practice and procedure as to the appeal and incidental thereto are the same *mutatis mutandis* as upon an appeal from a county court. 1953, c. 45, s. 2, *part, amended*.

Character of compensation

12.—(1) The compensation agreed upon or determined under section 11 stands in the stead of the land concerned, and any claim to or encumbrance on such land shall, as respects the Crown, be converted into a claim to or upon the compensation and no longer affects such land.

Payment of compensation under \$200

(2) If the compensation agreed upon or determined under section 11 does not exceed \$200, it may be paid to the person who may convey the land or agree as to the compensation without the giving of notice to any other person, saving always the rights of any other person to the compensation as against the person receiving it. *New*.

Right of Crown to abandon land expropriated

13.—(1) Where at any time before compensation for land expropriated has been agreed upon or determined under section 11 the land or any part thereof is found to be unnecessary for the purposes of this Part or if it is found that a more limited estate or interest therein only is required, the Minister may, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and registered in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Crown or that it is intended to retain only such limited estate or interest as is mentioned in the writing, and thereupon,

- (a) the land declared to be abandoned reverts in the person from whom it was expropriated and those entitled to claim under him; or
- (b) in the event of a limited estate or interest being retained by the Crown, the land so reverts subject to such limited estate or interest.

Effect upon compensation

(2) Where part only of the land or all of it except the limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the amount to be paid to a person claiming compensation.

Damages where abandonment complete

(3) Where the whole of the land is abandoned, the person from whom it was expropriated is entitled to all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the

damages shall be determined in accordance with subsections 2 to 6 of section 11. *New.*

14.—(1) In any case in which the Minister deems it ^{Payment into court} advisable, he may, without an order, pay the compensation or damages into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months.

(2) Upon an application for payment out of court of compensation or damages paid into court under subsection 1, ^{Payment out of court} a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation or damages and as to costs as he deems just.

(3) If an order is obtained under subsection 2 in less than ^{Adjustment of interest} six months after the payment of the compensation or damages into court, the judge may direct a proportionate part of the interest to be returned to the Minister.

(4) Where unborn issue or an unascertained person or ^{Where unborn issue, etc., interested} class are interested in the compensation or damages, the judge may appoint such person as he deems proper to represent or act for them and any order made is binding on them. *New.*

15. Every person who is claiming compensation or damages ^{Minister may require particulars} under this Part shall, upon demand made therefor by the Minister or any person authorized by him, furnish to the Minister a true statement showing the particulars of his interest in the land concerned and of the claim made by him. *New.*

16. Where an injury to land alleged to be injuriously ^{When reparation by Crown may be ordered} affected by the exercise of any of the powers mentioned in section 4 or 7 may be removed in whole or in part by an alteration in or addition to any work to which this Part applies or by the construction of any additional work or by the abandonment of any part of the land expropriated or by the grant of any land or easement, and if the Crown, before the compensation is agreed upon or determined, undertakes to make such alteration or addition or to construct such additional work or to abandon such portion of the land expropriated or to grant such land or easement, the compensation shall be determined having regard to such undertaking, and the Board shall declare that, in addition to any compensation determined, the claimant is entitled to have such alteration or addition made or such additional work constructed or such portion of the land abandoned or such grant made to him. *New.*

Interest

17.—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation or damages from the time when the land was expropriated, used or injuriously affected, but no person who has been offered in writing a sum equal to or greater than the compensation or damages shall be allowed interest thereon for any period after the date of the offer.

Where interest may be withheld

(2) Where the Board is of the opinion that any delay in determining the compensation or damages is attributable in whole or in part to the person entitled to the compensation or damages or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.*

Payment of compensation, damages and costs

18. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any person any sum to which he is entitled under this Part as compensation, damages or costs. *New.*

Minister may exercise powers of municipality

19. The Minister has, within the limits of any municipality in which the King's Highway is situate, all the powers that may be exercised by that municipality in respect of its highways. R.S.O. 1950, c. 166, s. 80 (1); 1956, c. 28, s. 17 (1), *amended.*

Previous rights and agreements

20.—(1) The Minister has in respect of the King's Highway all the rights, powers, benefits and advantages conferred by by-law or agreement or otherwise upon the municipality that had jurisdiction and control of the highway before the highway was vested in the Crown, and the Crown may sue thereon in the same manner and to the same extent as the municipality might have done if the highway had not vested in the Crown. R.S.O. 1950, c. 166, s. 80 (2); 1956, c. 28, s. 17 (2), *amended.*

Right of Minister to copies of by-laws, etc.

(2) The Minister is entitled to a copy of any such by-law or agreement from the municipality and has the right to inquire into and ascertain full particulars concerning any such by-law or agreement. R.S.O. 1950, c. 166, s. 80 (3); 1956, c. 28, s. 17 (3), *amended.*

Intersecting highways

21. Where the King's Highway intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway. R.S.O. 1950, c. 166, s. 66 (2), *amended.*

Continuing King's Highway through city, town or village

22.—(1) Where it is deemed by the Minister that a highway in a city, town or village should be constructed as

a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Minister may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town or village, and the council of the city, town or village may pass by-laws for issuing and may issue debentures under *The Municipal Act* to be payable in such period as the Minister approves, but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of such highway, but it is not necessary for the council to obtain the assent of the electors to any such by-law for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 78 (3); 1956, c. 28, s. 15 (2), *amended*. R.S.O. 1950, c. 243

(2) Work required to be constructed under subsection 1 ^{Idem} may be undertaken as a local improvement under *The Local Improvement Act* and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper. R.S.O. 1950, c. 166, s. 78 (4). R.S.O. 1950, c. 215

(3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of the highway designated under subsection 1. R.S.O. 1950, c. 166, s. 78 (5), *amended*. Agreement for work

(4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of the highway designated under subsection 1. 1955, c. 28, s. 4 (1), *amended*. Idem, cities and separated towns

(5) An agreement under subsection 3 or 4 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town or village, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed, Cost of work

(a) in the case of a town, not being a separated town, or of a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) in the case of a town, not being a separated town, or of a village having a population of more than 2,500,

a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet; and

- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet. 1955, c. 28, s. 4 (2); 1956, c. 28, s. 15 (3), *amended*.

Idem.
bridges
and culverts

- (6) Notwithstanding clause *b* of subsection 5, in the case of a town, not being a separated town, or of a village having a population of more than 2,500 where the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement. 1956, c. 28, s. 15 (4), *amended*.

Determina-
tion of cost
of work

- (7) For the purposes of agreements entered into under subsections 3 and 4, the owner's share of the cost of local improvements shall not be included in the cost of the work nor may any other contribution received from any source be so included without the consent of the Minister. *New*.

Jurisdiction
unchanged

- (8) A highway does not by reason of its having been constructed or maintained under this section become the property of the Crown, but every such highway remains under the jurisdiction and control of the municipality in which it is situate. R.S.O. 1950, c. 166, s. 78 (7), *amended*.

Agreement
for con-
struction of
greater
width of
roadway

- 23.**—(1) The Minister and a municipality in which a part of the King's Highway is situate or an owner of land adjoining a part of the King's Highway may enter into an agreement for the construction of a roadway of a greater width or with different specifications than those for the remainder of the roadway, and the Department may construct the roadway accordingly. R.S.O. 1950, c. 166, s. 88 (1), *amended*.

Raising cost
of special
work

- (2) The additional cost entailed under such an agreement to be borne by a municipality may be raised by a special tax or by the issue of debentures under *The Local Improvement Act* or by the issue of debentures under *The Municipal Act*, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures, but it is not necessary to obtain the assent of the electors to any by-law for the issue of such debentures

R.S.O. 1950,
cc. 215, 243

under *The Municipal Act* or to observe any of the provisions of *The Local Improvement Act* with respect to the undertaking of works as local improvements. R.S.O. 1950, c. 166, s. 88 (2).

24.—(1) Where the Minister or a person authorized by him deems it advisable to change the grade or make other alterations upon a highway intersecting or affording access to the King's Highway or giving access to private property, the cost of the changes so made shall be deemed to be part of the cost of the construction of the King's Highway.

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the consent of the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 84, *amended*.

25.—(1) The Minister or a person authorized by him may initiate and carry out proceedings under any Act for the purpose of procuring proper drainage for the King's Highway, and the Minister or such authorized person has authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Minister or such authorized person. R.S.O. 1950, c. 166, s. 90 (1); 1956, c. 28, s. 22, *amended*.

(2) The Minister may from time to time designate one or more engineers of the Department to be the engineer or engineers authorized to carry out the provisions of any Act for the purpose of procuring proper drainage for the King's Highway or other property under the control of the Department, and every engineer so designated has for such purpose all the powers and shall perform all the duties on behalf of the Department required of an engineer appointed by a municipality. R.S.O. 1950, c. 166, s. 90 (2), *amended*.

26. The Minister may construct, maintain and operate such works as he deems necessary or expedient for the purposes of this Part and he and any person, including a municipality or local board thereof, may enter into agreements with respect to any such works. R.S.O. 1950, c. 166, s. 89, *amended*.

27.—(1) While a work authorized by this Part is in progress, the Minister or a person authorized by him may close to traffic the King's Highway on which the work is being done for such time as the Minister or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*.

Alternative
routes
during work

(2) While the King's Highway is so closed to traffic, the Department shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, or the Minister and a municipality may enter into an agreement for that purpose or the Minister may make a grant to a municipality for that purpose, and any such expenditure or grant shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary. R.S.O. 1950, c. 166, s. 79 (3); 1956, c. 28, s. 16 (2), *amended*.

Barricades

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and wherever an alternative route deviates from it, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. *New*.

No Crown
liability

(4) Every person using the King's Highway closed to traffic in accordance with this section does so at his own risk and the Crown is not liable for any damage sustained by a person using the King's Highway so closed to traffic. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*.

Penalty

(5) Every person who, without lawful authority, uses the King's Highway so closed to traffic while it is protected in accordance with subsection 3 or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the Crown for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1950, c. 166, s. 79 (2); 1956, c. 28, s. 16 (1), *amended*.

Closing

28.—(1) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed.

Reversion or
transfer to
municipality

(2) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department shall revert to the road authority previously responsible for its maintenance or be transferred to the municipality within which it is situate, and it shall be vested

in and be under the jurisdiction and control of the road authority to which it so reverts or the municipality to which it is so transferred on and after the day named by the Lieutenant-Governor in Council. 1956, c. 28, s. 12, *amended*.

(3) Where the Lieutenant-Governor in Council directs the reversion or transfer of a highway under subsection 2, any designation of the highway as the King's Highway or as a secondary highway is revoked on the day named by the Lieutenant-Governor in Council under subsection 2. *New*. Designation
revoked

29.—(1) The Department may plant trees upon the King's Highway and the cost thereof shall be part of the cost of its maintenance. R.S.O. 1950, c. 166, s. 83 (1), *amended*. Planting
trees

(2) No person, including a municipality and a local board thereof, shall injure, destroy, cut or prune any tree within the limits of the King's Highway without first obtaining the consent in writing of the Minister or a person authorized by him. R.S.O. 1950, c. 166, s. 83 (2), *amended*. Cutting,
etc.

(3) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning. 1955, c. 28, s. 5, *amended*. Penalty

(4) The Department may pay an amount not exceeding 75 cents for each elm, maple or other tree of a species approved by the Department planted on land adjoining the King's Highway in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (3); 1956, c. 28, s. 19 (1), *amended*. Bonus for
planting
trees

(5) The amounts paid under subsection 4 shall be chargeable to the moneys appropriated therefor by the Legislature and are payable upon a certificate of an engineer of the Department giving the name of the person entitled, the number of trees of each species planted and the amount to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form and were planted in accordance with the conditions of the permit granted therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (4); 1952 (2nd Sess.), c. 2, s. 19; 1956, c. 28, s. 19 (2), *amended*. Bonus
chargeable

(6) The Minister may agree with the owners of property adjoining the King's Highway with respect to the moving, removal or construction of a wire or other type of fence along the King's Highway and may pay the owner therefor. Agreements
re fences

Removal of
obstructions

(7) Subject to the payment of such compensation as may be agreed upon or as may be determined in the manner provided by section 11, the Minister may direct the owner of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the King's Highway to remove it where in his opinion the safety or convenience of the travelling public so requires or where in his opinion it might cause the drifting or accumulation of snow or be injurious to the highway. R.S.O. 1950, c. 166, s. 83 (5, 6), *amended*.

Interference
with King's
Highway

30.—(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, shall obstruct or deposit material upon or take up or in any way interfere with the King's Highway except in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 85 (1), *amended*.

Penalty

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$1,000. R.S.O. 1950, c. 166, s. 85 (2), *amended*.

Regulating
use

31.—(1) The Minister may make regulations prohibiting or regulating the use of the King's Highway by any class of vehicles or animals and may impose penalties for contravention thereof, but no such regulation has any force or effect until approved by the Lieutenant-Governor in Council after notice to any municipality affected thereby. R.S.O. 1950, c. 166, s. 86 (1), *amended*.

Horses,
cattle, etc.,
on highway

(2) Every person who, being the owner or having the care, custody or control of horses, cattle, swine, sheep or goats, suffers or permits the same or any of them to run at large within the limits of the King's Highway is guilty of an offence and on summary conviction is liable to a penalty of not more than \$5 for every such animal found at large upon the highway, but this section does not create any civil liability on the part of the owner of such animal for damage caused to the property of others as a result of the animal running at large within the limits of the King's Highway. R.S.O. 1950, c. 166, s. 86 (3); 1956, c. 28, s. 20, *amended*.

Department
to maintain
and repair

32.—(1) The King's Highway shall be maintained and kept in repair by the Department and any municipality in which any part of the King's Highway is situate is relieved from any liability therefor, but this does not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by a municipality or which a municipality may lawfully do or construct upon the highway, and the

municipality is liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality. R.S.O. 1950, c. 166, s. 87 (1); 1956, c. 28, s. 21 (1).

(2) In case of default by the Department to keep the King's Highway in repair, the Crown is liable for all damage sustained by any person by reason of the default, and the amount recoverable by a person by reason of the default may be agreed upon with the Minister before or after the commencement of an action for the recovery of damages. R.S.O. 1950, c. 166, s. 87 (2); 1956, c. 28, s. 21 (2), *amended*. ^{Liability for damage in case of default}

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier adjacent to or in, along or upon the King's Highway or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the King's Highway that is not on the roadway. R.S.O. 1950, c. 166, s. 87 (3); 1956, c. 28, s. 21 (3), *amended*. ^{Insufficiency of fence, etc.}

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered letter to the Minister within ten days after the happening of the injury, but the failure to give or the insufficiency of the notice is not a bar to the action if the judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown is not thereby prejudiced in its defence. R.S.O. 1950, c. 166, s. 87 (5, 6); 1956, c. 28, s. 21 (4, 5). ^{Notice of claim}

(5) No action shall be brought against the Crown for the recovery of damages occasioned by the default mentioned in subsection 2, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time the damage was sustained. R.S.O. 1950, c. 166, s. 87 (4), *amended*. ^{Limitation of action}

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of any claim for damages and costs that has been approved of in writing by counsel is payable in the same manner as in the case of a judgment recovered against the Crown in any other action. R.S.O. 1950, c. 166, s. 87 (7), *amended*. ^{Judgment, how payable}

Style of
action

(7) In any action against the Crown under this section, the defendant shall be described as "Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it is not necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action, but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of Her Majesty against another subject. R.S.O. 1950, c. 166, s. 87 (8); 1956, c. 28, s. 21 (6), *amended*.

Counter-
claims and
third party
proceedings

(8) Notwithstanding any general or special Act, in any action against the Crown under this section, the defendant may set up by way of counterclaim any right or claim whether the same sounds in damages or not and may claim contribution or indemnity from or any other relief over against any person not a party to the action, and every such counterclaim and claim may be instituted and carried on and judgment may be given as if such counterclaim or claim was made by a subject of Her Majesty against another subject. *New*.

Action to
be tried
without
jury

(9) Any action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred. R.S.O. 1950, c. 166, s. 87 (9); 1956, c. 28, s. 21 (7).

Liability
not to
exceed
that of
municipality

(10) The liability imposed by this section does not extend to a case in which a municipality having jurisdiction and control over the highway would not have been liable for the damage sustained. R.S.O. 1950, c. 166, s. 87 (10), *amended*.

Interpre-
tation

33.—(1) In this section, "centre point of an intersection" is the point where the centre line of the through portion of the King's Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King's Highway.

King's
Highway,
control of

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;
- (c) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of the King's Highway; or
- (d) use any land, any part of which lies within one-half mile of any limit of the King's Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

(3) No person shall authorize or permit any act prohibited by subsection 2. No authorization by others

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. Application

(5) The Minister may give notice to the owner of any land requiring him, Notice to remove, etc.

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub or hedge placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice, or advertising device displayed,

in contravention of subsection 2.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. Service of notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device as required by the notice. Failure to comply with notice

Offence and penalty

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device was placed, erected or altered, as the case may be,

R.S.O. 1937,
c. 56

(a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or

R.S.O. 1950,
c. 166

(b) before the day on which the King's Highway was so designated and in compliance with *The Highway Improvement Act*; or

(c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit.

Procedure

(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11.

Permits

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper, and may in his discretion cancel any such permit at any time.

Fee

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. *New.*

PART II

CONTROLLED-ACCESS HIGHWAYS

Controlled-access highway designation

34. The Lieutenant-Governor in Council may designate any part of the King's Highway as a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (2), *amended*.

Interpretation

35.—(1) In this section, "road" includes an unopened road allowance. *New.*

Closing of intersecting municipal roads

(2) Subject to the approval of the Board, the Minister may close any road, other than a highway that is under the

jurisdiction and control of the Department, that intersects or runs into a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (3), *amended*.

(3) The Board may direct that notice of an application ^{Application for approval} for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. R.S.O. 1950, c. 166, s. 92 (4), *amended*.

(4) Upon the hearing of the application, the Board may ^{Powers of Board} make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. R.S.O. 1950, c. 166, s. 92 (6), *amended*.

(5) The Minister or any person, including any municipality ^{Appeal} or local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

(6) Upon the closing of a road in accordance with an ^{Compensation} order of approval, the Minister shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

36.—(1) In this section, "centre point of an intersection" ^{Interpretation} is the point where the centre line of the through portion or portions of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway. *New*.

(2) Notwithstanding any general or special Act, regulation, ^{Controlled access highways, control of} by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (c) sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon or within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (d) place, erect or alter any power line, pole line or other transmission line within one-quarter mile of any limit of a controlled-access highway;
- (e) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of a controlled-access highway;
- (f) use any land, any part of which lies within one-half mile of any limit of a controlled-access highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers; or
- (g) construct or use any private road, entranceway, gate, or other structure or facility as a means of access to a controlled-access highway. R.S.O. 1950, c. 166, s. 93 (1), *amended*.

No authori-
zation by
others

(3) No person shall authorize or permit any act prohibited by subsection 2. *New*.

Application

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. R.S.O. 1950, c. 166, s. 93 (2), *amended*.

Notice to
remove, etc.

(5) The Minister may give notice to the owner of any land requiring him,

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or

- (c) to close up any private road, entranceway, gate or other structure or facility constructed or maintained as a means of access to a controlled-access highway,

in contravention of subsection 2. R.S.O. 1950, c. 166, s. 93 (3, 4), *amended*.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter, ^{Service of notice} and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. R.S.O. 1950, c. 166, s. 93 (5), *amended*.

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days ^{Failure to comply with notice} after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, or to close up the private road, entranceway, gate or other structure or facility as required by the notice. R.S.O. 1950, c. 166, s. 93 (6), *amended*.

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given ^{Offence and penalty} under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. R.S.O. 1950, c. 166, s. 93 (9), *amended*.

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation ^{Compensation} to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, private road, entranceway, gate or other structure or facility was placed, erected, altered, constructed or used, as the case may be,

- (a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the ^{R.S.O. 1937, c. 56} regulations thereunder; or

- (b) before the day on which the controlled-access highway was so designated and in compliance with *The Highway Improvement Act*; or ^{R.S.O. 1950, c. 166}

- (c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit. 1951, c. 33, s. 5 (1), *amended*.

Procedure (10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11. *New*.

Permits (11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper and may in his discretion cancel any such permit at any time. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Fee (12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Regulation of vehicles and animals **37.**—(1) The Minister may make regulations prohibiting or regulating the use of controlled-access highways by any class of vehicles or animals.

Penalty (2) Every person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$5 and not more than \$50. R.S.O. 1950, c. 166, s. 94, *amended*.

Service roads **38.** The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. 1955, c. 28, s. 6.

PART III

SECONDARY HIGHWAYS

Secondary highways, designation; effect of designation **39.** The Lieutenant-Governor in Council may designate any highway as a secondary highway and thereupon Part I and all the other provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such secondary highway. 1956, c. 28, s. 9, *amended*.

PART IV

COUNTY ROADS

Establishment of system **40.**—(1) A county may by by-law adopt a plan of county road construction and maintenance and establish a county road system by designating the roads in any municipality in the county that are to form the system and may include in the system such boundary-line roads between the county

and any other county or between the county and a city or separated town as may be agreed upon by the municipalities interested.

(2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of any municipality from the roads in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly, but the representative or representatives in the county council of a municipality so exempt shall not vote upon a by-law passed under this Part, and for the purposes of section 44 the equalized assessment of a municipality so exempt shall not be included in ascertaining the total equalized assessment of the county. ^{General rate}

(3) All moneys raised under the by-law shall be applied in the construction and maintenance of roads in the county road system and to any expenditure properly chargeable to the county road system under this Part. R.S.O. 1950, c. 166, s. 11 (1-3), *amended*. ^{Application of proceeds of rate}

(4) A county may, by by-law, amend a by-law passed under this section in any manner, including the addition of roads to, or the removal of roads from, the county road system. R.S.O. 1950, c. 166, s. 11 (17), *amended*. ^{Amendment}

(5) A county may by by-law consolidate the by-law establishing its county road system and all by-laws amending such by-law, and may from time to time by by-law consolidate any such consolidating by-law and all by-laws amending such consolidating by-law. 1954, c. 34, s. 1, *amended*. ^{Consolidating by-law}

(6) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant-Governor in Council and the Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it is not necessary for the county to pass any further by-law amending the original by-law or repealing any portion thereof that has not been approved, and every such by-law as so approved is in force and has effect on and after the day on which the approval is given. R.S.O. 1950, c. 166, ss. 14, 15, *amended*. ^{Approval}

(7) Every road that forms part of a county road system vests in the county and is under the jurisdiction and control of the county on and after the day on which the by-law designating the road is approved by the Lieutenant-Governor in Council. ^{Vesting of roads in county}

Revesting
of roads
in local
municipality

(8) Every road that is removed from a county road system vests in the local municipality in which it is situate and is under the jurisdiction and control of that municipality on and after the day on which the by-law removing the road is approved by the Lieutenant-Governor in Council. *New.*

Revocation
of approval

(9) Where the Minister is of opinion that a road that forms part of a county road system is not of sufficient importance to be constructed and maintained as part of the system, the Lieutenant-Governor in Council may revoke the approval of the designation of such road as part of the system, and such road thereupon vests in the local municipality in which it is situate. R.S.O. 1950, c. 166, s. 16, *amended.*

County road
committee

41.—(1) Where a county road system is established under this Part, the county council shall appoint by by-law three or five persons who are residents of the county, but who need not be members of the council, who shall constitute a committee to direct the work to be done on the county road system.

Term of
office

(2) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of three years, and where the committee consists of five members, one member shall be appointed and hold office for a term of five years, one member shall be appointed and hold office for a term of four years, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of five years.

Re-appoint-
ment

(3) A member of the committee is eligible for re-appointment upon the expiry of his term of office.

Removal
from office

(4) A member of the committee may be removed by a vote of two-thirds of the members of the county council present and voting thereon at a regular meeting of the council.

Vacancies

(5) Where a member of the committee is so removed or dies or resigns his office, the county council may appoint some other person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed.

(6) The warden of the county for the time being is *ex officio* a member of the committee and may sit and vote thereon. Warden
ex officio
member

(7) Where a county road system is established under this Part in a county in which a suburban roads commission has been appointed, the county may by by-law provide that the members from time to time of the suburban roads commission constitute the committee to direct the work to be done on the county road system and in such case this section does not apply. R.S.O. 1950, c. 166, s. 11 (4-10), *amended*. Suburban
road com-
missioners
as county
road
committee

42.—(1) Where a county road system is established under this Part, the county shall by by-law appoint a county road superintendent who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*. County road
superin-
tendent R.S.O. 1950,
c. 292

(2) The county road superintendent shall, under the direction of the county road committee, administer and manage the county road system. Duties

(3) Where a vacancy occurs in the office of county road superintendent, the county shall appoint another qualified person to the office. Vacancy

(4) A copy of every by-law appointing a county road superintendent or dealing with his salary and allowance shall be transmitted to the Minister within thirty days of the passing thereof and has no force or effect until approved in writing by the Minister, and when so approved shall not be repealed or amended without the approval in writing of the Minister. Copy of
by-law to
be sent to
Minister

(5) No member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. R.S.O. 1950, c. 166, s. 11 (11-15), *amended*. Members of
councils
not to be
appointed

43. The disbursement of all moneys pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof. R.S.O. 1950, c. 166, s. 11 (16), *amended*. Payment,
how to
be made

44.—(1) Subject to subsection 2, a county may, without the assent of the electors, pass by-laws to raise by debentures Debentures

payable in not more than twenty years in the manner provided by *The Municipal Act* such sums as may be necessary to meet the actual expenditure for the construction of roads under this Part.

Limit of
amount of
county rate

(2) Where a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under section 327 of *The Municipal Act*, the amount to be raised for the construction of roads under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with 5 per cent of the equalized assessment of the county added thereto. R.S.O. 1950, c. 166, s. 13 (1, 2), *amended*.

Temporary
advances

(3) A county may agree with a chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of construction of roads under this Part, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the county together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part V, and the county may pass by-laws to raise by debentures in the same manner as provided in subsection 1 such sums as may be necessary to repay such temporary advances. R.S.O. 1950, c. 166, s. 13 (4), *amended*.

Submission
of by-law
covering
estimated
expenditure

45.—(1) Every county that has established a county road system shall submit to the Minister for his approval a by-law covering the estimated expenditure on roads for the calendar year not later than the 31st day of March of the year in which the expenditure is to be made, and such by-law shall include expenditures to be made by any suburban roads commission in the county. R.S.O. 1950, c. 166, s. 17 (1); 1956, c. 28, s. 1, *amended*.

Subsidy

(2) No subsidy shall be granted to a county for work undertaken by the county that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 17 (2), *amended*.

Annual
statement
to Minister

46.—(1) Where a plan of road construction and maintenance under this Part is being carried out, the county shall annually, and may with the consent of the Minister at any time during the progress of the work, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is

correct and that the work has been done in accordance with the requirements of the Minister;

- (c) a declaration of the county treasurer that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant authorized by resolution of the council, or in the case of an interim statement, by resolution of the county road committee. R.S.O. 1950, c. 166, s. 18 (1), *amended*.

(2) Upon receipt of the statement, declarations and petition, ^{Payment to county} the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 18 (2); 1952 (2nd Sess.), c. 2, s. 3, *amended*.

(3) Except with the consent of the Minister, no expenditure ^{Certain expenditures not included in statement} towards which a contribution has been or may be made from any source shall be included in a statement submitted under this section. R.S.O. 1950, c. 166, s. 19, *amended*.

47. The roads forming part of a county road system shall ^{Roads to be county roads} be maintained and kept in repair by the county, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement under this Act, and his decision is final. R.S.O. 1950, c. 166, s. 20, *amended*.

48. Every road constructed or maintained as part of a ^{County road system, construction and maintenance} county road system shall be constructed and maintained in accordance with the requirements of the Minister. R.S.O. 1950, c. 166, s. 21, *amended*.

49. Expenditure for which a county may be entitled to ^{County expenditure may include ferry service} aid to county roads under this Act may include the maintenance by the county of a ferry service that forms a connecting link of a county road system or forms a link between the county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service and tolls therefor are subject to the approval of the Minister. R.S.O. 1950, c. 156, s. 22, *amended*.

50.—(1) Where under *The Municipal Act* a county has ^{County expenditure may include county bridges} jurisdiction over a bridge that is more than twenty feet in R.S.O. 1950, c. 243

span and the bridge is not in the county road system, the expenditure involved in constructing and maintaining the bridge under the supervision of the county road superintendent in accordance with plans approved by an officer of the Department designated by the Minister shall be deemed to form part of the expenditure in carrying out the plan of county road construction and maintenance, and debentures issued by a county after the 8th day of April, 1926, for the construction of any such bridge are legal, valid and binding upon the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*. R.S.O. 1950, c. 166, s. 23 (1); 1956, c. 28, s. 2, *amended*.

R.S.O. 1950,
c. 243

Aid to
county
bridges

(2) The Minister may direct the payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the cost of constructing and maintaining any such bridge more than twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister. R.S.O. 1950, c. 166, s. 23 (2); 1952 (2nd Sess.), c. 2, s. 4, *amended*.

Transfer
of small
bridges

(3) A county may by by-law provide that jurisdiction over every bridge of twenty feet or less in span that is not included in the county road system shall be transferred to the local municipality or municipalities in which it is situate, and thereupon all the rights, liabilities and obligations of the county with respect to such bridge are transferred to and vested in and imposed upon such local municipality or municipalities.

Diverting
road to
avoid con-
struction
of bridge

(4) A county, with the approval of the Lieutenant-Governor in Council, may by by-law provide for the closing of any bridge over which the county has jurisdiction under *The Municipal Act* or the substitution therefor of any other structure and for that purpose may exercise as to such bridge or other structure and the approaches thereto all the powers of a county as to roads and bridges in a county road system. R.S.O. 1950, c. 166, s. 23 (3, 4), *amended*.

Intersection
of other
roads by
county road

51. Where a county road intersects a road that is not a county road, the continuation of the county road to its full width across the road so intersected is a part of the county road system, except in the case of an intersection by a county road of the King's Highway in which case section 21 applies. R.S.O. 1950, c. 166, s. 24, *amended*.

52. A county is not liable for the construction or main-
tenance of sidewalks on any road in its county road system.
R.S.O. 1950, c. 166, s. 25, *amended*. Sidewalks
excepted

53. Where a county road leading or adjacent to a city or
separated town is or is to be improved or requires or will
require the expenditure of a greater amount for maintenance
to meet in any such case the requirements of increased,
heavy or other extraordinary traffic to or from the city or
separated town beyond the requirements which, but for the
existence of the city or separated town, would be deemed those
of a standard road for the locality, the city or separated
town by by-law passed with the assent of at least two-thirds
of the members of the council thereof may agree with the
county to contribute such additional cost, or a proper pro-
portion of the cost, or that the amount of the contribution
of the city or separated town shall be determined by arbitration
under *The Municipal Act*, and may, without the assent of
the electors, provide by by-law for the issue of debentures
payable in not more than twenty years from the date of the
issue thereof to raise the amount agreed upon or awarded, or
may agree with the county for the payment of such amounts in
annual instalments to be raised by an annual special rate
upon the rateable property in the city or separated town.
R.S.O. 1950, c. 166, s. 26, *amended*. Contribution
of cities,
etc., to
improvement
of county
roads

R.S.O. 1950,
c. 243

54.—(1) A local municipality that is not separated from
the county and the county or the suburban roads commission
may enter into an agreement in writing providing for the
widening of any county or suburban road in the local muni-
cipality or for the construction of a pavement more than
twenty-two feet in width or other special construction thereon
and for the maintenance of such pavement or other special
construction. Agreement
between
local
municipality
and county
for extra
work

(2) The agreement shall specify the party that is to do
the work and the manner in which and the time or times at
which the other party is to pay its share of the expenditure
made by the party doing the work, but no work shall be done
until the agreement has been approved in writing by the
Minister. Either party
may do
work;
consent of
Minister

(3) Where the agreement provides that the land required
for the widening of the road is to be acquired by the local
municipality, the local municipality, notwithstanding section
425 of *The Municipal Act*, may pass by-laws for widening
the road and acquiring by purchase or otherwise or expro-
priating such land, and the provisions of *The Municipal Act*
as to the acquiring, occupying and taking of land for municipal
purposes apply to the acquiring, occupying or taking of
land under any such by-law. Acquisition
of land by
local muni-
cipality

Transfer
to county

(4) The local municipality shall convey the land so acquired to the county and thereupon the land becomes a part of the road and is included in the county road system, and, where the road has been designated and approved as a suburban road under Part V, the land becomes part of the suburban road. R.S.O. 1950, c. 166, s. 25 (1-4), *amended*.

Apportion-
ment of
cost of
construction
of wider
pavements

(5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (5).

Minimum
proportion
to be borne
by county or
suburban
roads com-
mission

(6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area. R.S.O. 1950, c. 166, s. 27 (6), *amended*.

Idem, in case
of the
widening of
an existing
pavement

(7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem

(8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

Apportion-
ment of
cost of
maintenance

(9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs,

gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (7-9).

(10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area. Minimum proportion to be borne by county or suburban roads commission

(11) Where the local municipality and the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either the local municipality and the county or the suburban roads commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into and such agreement may be enforced in the same manner as an agreement executed by the local municipality and by the county or the suburban roads commission. Failure to agree

(12) The local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet its share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. R.S.O. 1950, c. 166, s. 27 (10-12), *amended*. Debentures for local municipality's share
R.S.O. 1950, cc. 243, 215

(13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. R.S.O. 1950, c. 166, s. 27 (13); 1951, c. 33, s. 1; 1952 (2nd Sess.), c. 2, s. 5, *amended*. Subsidy to local municipality

- Remedy over (14) Where the agreement provides that the pavement or a part thereof is to be maintained and kept in repair by the local municipality and the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 453 of *The Municipal Act* for damage suffered by or occasioned to any person in consequence of such default, the county or the suburban roads commission is entitled to the remedy over against the local municipality provided for by section 460 of *The Municipal Act*. R.S.O. 1950, c. 166, s. 27 (14), *amended*.
- R.S.O. 1950, c. 243
- Agreement between county and urban municipality re county road extensions, etc. **55.**—(1) Where a road in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads in the county road system, the county shall enter into an agreement in writing with the urban municipality for the maintenance of such road, and, if it is in the public interest that such road be constructed, for the construction thereof.
- Failure to agree (2) Where the county and the urban municipality are unable to agree whether it is in the public interest that such road be constructed, the Minister shall decide the issue and his decision is final.
- Idem (3) Where a county and an urban municipality are unable to agree upon any term or condition or the form of an agreement required to be entered into under subsection 1 or where either refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the county and the urban municipality.
- Approval of Minister (4) The agreement has no force or effect until approved in writing by the Minister.
- Either party may do work (5) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work. R.S.O. 1950, c. 166, s. 28 (1-5), *amended*.
- How construction cost to be borne (6) In the case of the construction of a pavement twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction. R.S.O. 1950, c. 166, s. 28 (6).
- Idem, in case of wider pavement (7) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such

construction that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement twenty-two feet in width bears to the total area of such pavement or such approximation to that proportion as may be agreed upon.

(8) Where there is an existing pavement twenty-two feet or less in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement that bears the same proportion to such total cost as the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be agreed upon. Idem, in case of widening existing pavement

(9) The total cost mentioned in subsections 6, 7 and 8 includes the cost of any necessary grading, shouldering, under-drainage or base construction, but does not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. Total cost, what to include

(10) In the case of the maintenance of a pavement or roadway twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance. How maintenance cost to be borne

(11) In the case of the maintenance of a pavement or roadway more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such maintenance that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway twenty-two feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be agreed upon. Idem, in case of wider roadway

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. R.S.O. 1950, c. 166, s. 28 (7-12), *amended*. Total cost, what to include

(13) Where a part of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and, in determining the cost of construction or maintenance In case of street railway

that is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereof, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(14) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway that is borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the county under this Part. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (1), *amended*.

Subsidy to
urban municipality

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (2), *amended*.

Construction
or main-
tenance of
culvert or
bridge, how
cost to be
borne

(16) In the case of the construction or maintenance of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction and control of the urban municipality, the agreement shall provide that the cost of such construction or maintenance, exclusive of any part thereof that is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne 50 per cent by the county and 50 per cent by the urban municipality. 1951, c. 33, s. 2, *part, amended*.

Subsidy to
county

(17) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (3); 1955, c. 87, s. 1, *amended*.

(18) The part of the cost of the construction or main-^{Subsidy to}tenance of such culvert or bridge that is to be borne by the^{urban muni-}urban municipality may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (4), *amended*.

(19) A road that is constructed or maintained under this^{Jurisdiction} section remains under the jurisdiction and control of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. 1951, c. 33, s. 2, *part*, *amended*.^{R.S.O. 1950, cc. 243, 215}

56.—(1) In addition to the amount that the county may^{County to} expend in any year on county roads in an urban municipality^{make con-} not separated from the county either directly or pursuant^{tribution} to an agreement under section 54 and on county road ex-^{towards}tensions or connecting links in such urban municipality^{other roads} pursuant to an agreement under section 55, the county shall^{in urban} in the same year make a contribution towards the construction^{municipality} and maintenance of other roads in such urban municipality.

(2) Such contribution may be in the form of work carried^{Form of} out by the county at the request of the urban municipality^{contribution} that is properly chargeable to road improvement under Part VII, or in the form of a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms.

(3) Such contribution shall not be less in total value than^{Minimum} 25 per cent of the amount levied on the urban municipality^{contribution} for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

(4) Where in any year such contribution or a part thereof^{How to be} is to take the form of a cash payment, the urban municipality^{paid} shall, not later than the 15th day of November in that year,

submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other roads by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 7, *amended*.

Agreement
may exempt
county from
this section

(6) An agreement for the construction of a county road extension or connecting link under section 55 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section does not apply. 1951, c. 33, s. 2, *part, amended*.

Disputes as
to main-
tenance,
etc., of
bridges
and roads
R.S.O. 1950,
c. 243

57.—(1) Sections 462 and 464 of *The Municipal Act* do not apply to a bridge or road crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case, have adopted a plan of county road construction and maintenance under this Part, and such plan includes such bridge or road.

Disputes as
to county
boundary
lines and
bridges

(2) Where there is a difference between two or more municipalities in respect of any such bridge or road as to the municipality upon which the obligation rests, as to the construction and maintenance of the bridge or road or as to the proportions in which the municipalities should respectively contribute thereto, or where two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or road, every such difference shall be determined by the Board upon an application by any municipality interested in such bridge or road.

Hearing

(3) The Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality interested, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard

to such bridge or road, and the Board may make such order in regard to the same as it deems just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the construction and maintenance of such bridge or road.

(4) An order of the Board under this section is binding upon all the municipalities interested for such period as the Board determines. R.S.O. 1950, c. 166, s. 29, *amended*. Duration of order

58. A county has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred either by by-law or agreement or otherwise upon the local municipality or local municipalities that had jurisdiction over the roads before they were included in the county road system, and the county may sue thereon in the same manner and to the same extent as the local municipality or municipalities might have done if the roads had not been included in the county road system. R.S.O. 1950, c. 166, s. 30, *amended*. Powers of county over roads assumed

59.—(1) A county in which a county road system has been established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on a local municipality by section 390 of *The Municipal Act*. Restrictions R.S.O. 1950, c. 243

(2) In the event of conflict between a by-law passed under subsection 1 by a county and a by-law passed under section 390 of *The Municipal Act* by the local municipality in which the land is situate, the by-law of the county prevails to the extent of such conflict, but in all other respects the by-law passed by the local municipality remains in full force and effect. 1954, c. 34, s. 2, *amended*. Conflict with local by-law

60.—(1) A county may, with respect to the roads under its jurisdiction and control, by by-law prohibit or regulate, Gas pumps and signs on county roads

(a) the placing, erecting or altering of any gasoline pump within 150 feet of any limit of a road; and

(b) the displaying of any sign, notice or advertising device within one-quarter mile of any limit of a road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing, erecting, altering or displaying of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor, and may prescribe penalties for contravention of the by-law. Permits

Approval

(3) A county shall submit a by-law passed under this section to the Minister for his approval in writing and the by-law shall be in force and effect only on and after the day on which the approval is given. R.S.O. 1950, c. 166, s. 95, *amended*.

Procedure
on expro-
priation
of land

R.S.O. 1950,
c. 243

61.—(1) Where in the exercise of its powers or in the performance of its obligations under this Part a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county road, the county may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by Part I in the case of lands taken by the Minister under that Part, and the provisions of that Part apply *mutatis mutandis*, and the powers and duties of the Minister as set out in that Part may be exercised and performed in the name of the county. R.S.O. 1950, c. 166, s. 31, *amended*.

Plan and
description,
filing of

(2) The plan and description of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan and description in the proper registry or land titles office the land is vested in the county. R.S.O. 1950, c. 166, s. 32; 1956, c. 28, s. 3, *amended*.

Roads in
Indian
reserves and
other lands
under the
control of
the Govern-
ment of
Canada

62. The Minister may arrange with the Government of Canada for the construction or maintenance, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or part of a township constituting an Indian reserve or of any road under the control of the Government of Canada that lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 46. 1956, c. 28, s. 4, *amended*.

PART V

SUBURBAN ROADS

Suburban
roads com-
mission

63.—(1) The Lieutenant-Governor in Council, upon application of a county in which a county road system is established under Part IV, may direct that a commission be appointed in respect of each city or separated town in the county and,

subject to the approval of the Minister, each commission may designate roads in the county road system as suburban roads and the city or separated town shall contribute towards the construction and maintenance of such roads in accordance with this Part. R.S.O. 1950, c. 166, s. 34 (1), *amended*.

(2) The construction and maintenance of suburban roads ^{Duties} and the expenditure thereon shall be directed by the suburban roads commission.

(3) In the case of a city having a population of less than 50,000 or of a separated town, the suburban roads commission shall be composed of three persons, one to be appointed by the city or separated town, one by the county, and the third to be agreed upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. ^{Composition, in city of less than 50,000 or town}

(4) In the case of a city having a population of 50,000 or more, the suburban roads commission shall be composed of five persons, two to be appointed by the city, two by the county and the fifth to be agreed upon by the four members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. ^{Idem, in city of 50,000 or more}

(5) The city or the separated town and the county shall make their appointments of members of the suburban roads commission within thirty days from the date of the Order in Council directing the commission to be appointed. ^{Time for making appointments}

(6) The members of a suburban roads commission shall hold office for a term of five years from the date of the Order in Council directing the commission to be appointed and no longer, and at the expiration of the period and thereafter at the expiration of every period of five years, the members of a commission shall be appointed as provided in this section, and any member of a commission is eligible for reappointment. ^{Term of office}

(7) Where a city, separated town or county fails to make an appointment as required by this section, such appointment ^{Appointment where default made} may be made by the Lieutenant-Governor in Council.

(8) A member of a suburban roads commission may be removed and another person appointed in his place by a vote of two-thirds of the members of the council that appointed him who are present and vote thereon at a regular meeting of the council, if notice of the intention of the council to determine the question of the removal has been given at the next preceding meeting of the council. ^{Removal of commissioners}

Vacancies

(9) Where a member of a suburban roads commission dies or resigns or is removed, the authority by which the member was appointed shall appoint another person to fill the vacancy for the remainder of the term for which the person so dying, resigning or removed was appointed.

Incorporation and name

(10) Every suburban roads commission is a corporation and the name by which it is to be known shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 40, *amended*.

Who ineligible to act as member of commission

(11) Notwithstanding any general or special Act, no person who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission. R.S.O. 1950, c. 166, s. 41, *amended*.

Deposit of plan

64. A plan and description of the suburban roads designated by a suburban roads commission shall be transmitted by the commission to the Minister within six months from the date of the Order in Council directing the appointment of the commission, and, after the approval thereof by the Minister, no alterations or amendments thereof shall be made by the commission until approved in like manner. R.S.O. 1950, c. 166, s. 34 (2), *amended*.

Suburban roads continue as county roads

65.—(1) Suburban roads continue to be county roads under the jurisdiction and control of the county and the construction and maintenance thereof shall continue to be under the supervision of the county road superintendent but subject to the direction of the suburban roads commission, and the sums expended for construction and maintenance may be included in the statements of expenditure provided for in section 46, upon which the grants payable by the Province will be determined and paid.

Engineer of commission

(2) The work on suburban roads may be carried on under the supervision of an engineer with the same professional qualifications as a county road superintendent and employed for that purpose by the commission in place of the county road superintendent, and the provisions of this Act apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure on suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 46. R.S.O. 1950, c. 166, s. 35, *amended*.

Additional compensation to county road superintendent

(3) Where the county road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the

payment to him of such annual sum in addition to his salary as county road superintendent as may be deemed proper. 1956, c. 28, s. 5, *amended*.

66.—(1) The expenditures on suburban roads shall be borne by the county, the city or separated town and the Province in the proportion of 25 per cent by the county, 25 per cent by the city or separated town and 50 per cent by the Province, but, where expenditure is made on a bridge or culvert, the Minister may direct the Province to bear a greater proportion, not exceeding 80 per cent thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or separated town. R.S.O. 1950, c. 166, s. 36 (1), *amended*. Expenditures

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the county council and may be made before the designation by the suburban roads commission of the roads upon which the appropriation is to be expended. R.S.O. 1950, c. 166, s. 36 (2), *amended*. Appropriation may be by resolution of county council

(3) The amount to be provided by the city or separated town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the last revised assessment roll, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year. R.S.O. 1950, c. 166, s. 36 (3); 1951, c. 33, s. 3, *amended*. Limit of contribution by city or town

67. The clerk of the county shall, not later than the 1st day of March in each year, notify the city or separated town of the amount appropriated by the county for the construction and maintenance of the suburban roads, and the treasurer of the city or separated town shall, not later than the 1st day of November following, transmit the equivalent amount to the treasurer of the county by whom it shall be paid to the order of the suburban roads commission. R.S.O. 1950, c. 166, s. 37, *amended*. Notice to city or town by county clerk

68.—(1) The council of each city or separated town shall provide annually or from time to time an amount equal to that appropriated by the county council for the construction and maintenance of suburban roads, and such amount shall be a debt due to the county by the city or separated town. Provision for contribution by city or town to suburban roads

Issue of
debentures
for city's
or town's
share

(2) For the purposes of this section, the city or separated town may raise from time to time such sums as may be required for construction by the issue of debentures, as in section 44 provided, but all sums required for the purposes of maintenance shall be provided from the current revenue of the municipality.

Issuing
town or city
debentures
for sub-
urban roads

(3) Where it appears that the rate of one-half mill on the dollar mentioned in subsection 3 of section 66 is not sufficient to carry out permanent or extensive work, the city or separated town, with the approval of the Minister, may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the annual rate of one-half mill on the dollar on paying off such debentures.

Assent of
electors not
required

R.S.O. 1950,
c. 243

(4) It is not necessary to obtain the assent of the electors to a by-law for the issue of debentures under this section or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 38, *amended*.

Informal-
ities not to
invalidate
proceedings

69. No error or omission or insufficiency in the procedure provided for by this Act relieves a county or city or separated town from liability to contribute towards the construction and maintenance of suburban roads, and the treasurer of a city or separated town that is liable to contribute towards the construction and maintenance of suburban roads shall, not later than the 1st day of November in each year, forward to the county treasurer an amount equal to the amount appropriated by the county council for the construction and maintenance of suburban roads in that year, but the amount of such contribution shall be limited as provided by section 66. R.S.O. 1950, c. 166, s. 39, *amended*.

PART VI

TOWNSHIP ROADS

Township
road super-
intendent

70.—(1) Every township in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads, and the Minister may direct that out of the moneys appropriated therefor by the Legislature 50 per cent, or such greater proportion as he deems requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province. R.S.O. 1950, c. 166, s. 43 (1); 1952 (2nd Sess.), c. 2, s. 9, *amended*.

(2) A copy of the by-law making such appointment shall be transmitted to the Minister within thirty days of the passing thereof and is subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister. Approval of by-law

(3) The township road superintendent shall conform to such requirements as the Minister prescribes. Superintendent to conform to requirements

(4) The council of a township in which statute labour has been abolished by by-law shall submit annually to the Minister a statement showing the amount of salary and expenses of the township road superintendent paid by the township, together with a declaration of the township treasurer that the statement is correct and also a declaration of the superintendent that he has *bona fide* performed the duties of superintendent, and on receipt of the statement and declarations the Minister may direct the Treasurer of Ontario to pay to the township the amount to which the township is entitled under this section. Annual statement to Minister

(5) No member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. Councillors disqualified as township road superintendent

(6) Where a township receives aid from the Province in excess of 60 per cent of the cost of work done upon township roads, the Minister may appoint a road superintendent for the purpose of supervising work to be undertaken and in that case it is not necessary for the township to appoint a road superintendent and the superintendent appointed by the Minister has and may exercise as to the work all the powers of a township road superintendent appointed under subsection 1. R.S.O. 1950, c. 166, s. 43 (2-6), *amended*. Appointment by Minister

71.—(1) A township in which statute labour has been abolished by by-law may submit to the Minister for approval such plans, specifications or by-laws as he may require for any or all of the following purposes: Grants in aid of township road work

1. Grading.
2. Drainage for road purposes.
3. Gravelling, metalling with broken stone, or the construction of any kind of road surface.

4. Dust prevention by oiling, tarring or other means.
5. The systematic maintenance by dragging, gravelling or other means.
6. The construction of bridges, culverts and approaches thereto.
7. The opening of a new road or the relocating, widening or straightening of an existing road.
8. The purchase of gravel pits, stone quarries, materials, equipment and machinery.
9. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 44 (1), *amended*.

Submission
of by-law
covering
estimated
expenditure

(2) The township shall submit a by-law covering the estimated expenditure on all road construction and maintenance for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to the township in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 44 (2); 1956, c. 28, s. 6, *amended*.

Minister
to direct
subsidy to
be paid to
township

(3) The Minister may direct that a subsidy under this Part shall be paid to a township in respect only of the expenditure on such road construction or maintenance as he designates and in every such case the by-law mentioned in subsection 2 shall cover only the estimated expenditure on work so designated. R.S.O. 1950, c. 166, s. 51, *amended*.

Application
for subsidy

72.—(1) When approved by the Minister, the work or expenditure for a purpose mentioned in section 71 shall be carried out in accordance with the requirements of the Minister and, upon the completion of any such work or expenditure, the township may submit to the Minister an application under section 73 for the subsidy authorized by this Part.

Cost of ferry
service may
be included

(2) Where the township is an island, expenditure for which the township may be entitled to aid under this Part may include the whole, or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the township, its lessee or licensee. R.S.O. 1950, c. 166, s. 45 (1, 2), *amended*.

Roads in
Indian
reserves

(3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act

as road superintendent to supervise the construction and maintenance, in accordance with the requirements of the Minister, of the roads in any township or part of a township constituting the Indian reserve and, where such an arrangement has been made, the Government of Canada may apply under section 73 for the subsidy authorized by this Part, and this Part applies *mutatis mutandis* thereto. R.S.O. 1950, c. 166, s. 45 (3); 1956, c. 28, s. 7, *amended*.

73.—(1) A township shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials that was not paid to the persons performing the work or supplying the materials in cash or by cheque of the township; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 46 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 46 (2); 1952 (2nd Sess.), c. 2, s. 10, *amended*. ^{Amount of subsidy}

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that aid so granted may, ^{Where rate of subsidy may be varied}

- (a) in the case of a bridge or culvert, be any percentage up to 100 per cent; and

- (b) in the case of any other road improvement, be any percentage up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. R.S.O. 1950, c. 166, s. 47; 1952 (2nd Sess.), c. 2, s. 11, *amended*.

Exclusions

(4) Expenditure in respect of which aid may be granted under this section does not include,

- (a) any amount levied in the township for county road purposes; or
- (b) except with the consent of the Minister, any other road expenditure towards which a contribution has been paid or may be payable from any source. R.S.O. 1950, c. 166, s. 48, *amended*.

Contribution of city or town in a provisional judicial district to improvement of township roads

74.—(1) A city or town in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of its council, may agree with a township to share the cost of construction or maintenance of any township road that leads or is adjacent to the city or town or which, by reason of the existence of the city or town, is subject to extraordinary traffic. R.S.O. 1950, c. 166, s. 49 (1), *amended*.

How cost to be borne

(2) Where the cost of construction or maintenance of a township road is shared by a city or town under an agreement made under this section, the Minister may direct that there shall be paid to the township out of the moneys appropriated therefor by the Legislature such proportion of the expenditure made on such road as is fixed under this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. R.S.O. 1950, c. 166, s. 49 (2); 1952 (2nd Sess.), c. 2, s. 12, *amended*.

Different rates in summer resort or suburban areas

75. The council of a township in which statute labour has been abolished by by-law, and

- (a) in which subdivisions have been laid out; or
- (b) in which parts are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate the subdivisions or parts for the purposes of taxation from the remainder of the township by defining the limits of the subdivisions or parts and in imposing the township rate for road purposes may impose and levy a higher rate upon the subdivisions or parts than upon the remainder of the township, but no such by-law has effect

until it has been approved in writing by the Minister and the amount raised by increasing the rate shall not be included in determining the expenditure of the township on which any subsidy may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 50 (2); 1952 (2nd Sess.), c. 2, s. 13, *amended*.

PART VII

CITY, TOWN AND VILLAGE ROADS

76. Every city, town and village, except a city or separated town other than an area municipality under *The Municipality of Metropolitan Toronto Act, 1953* that does not contribute towards the construction and maintenance of suburban roads, may submit a by-law covering the estimated expenditure on the construction and maintenance of its roads for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to a city, town or village in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 56, *amended*.

Submission
of by-law
covering
estimated
expenditure
1953, c. 73

77.—(1) Where the Minister has approved a by-law to provide for expenditure under this Part, the city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

Annual
statement
to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 58 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to,

Payment
of subsidy

- (a) in the case of a city or separated town, $33\frac{1}{3}$ per cent; and
- (b) in all other cases, 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 58 (2); 1952 (2nd Sess.), c. 2, s. 16, *amended*.

Where rate
of subsidy
may be
varied

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that the aid so granted may,

- (a) in the case of a bridge or culvert, be any percentage up to 80 per cent; and
- (b) in the case of any other road improvement, be any percentage up to 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. 1956, c. 28, s. 9, *amended*.

In case of
expenditure
on connect-
ing link of
the King's
Highway

(4) Where the construction or maintenance of a road in a city, town or village that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the city, town or village on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. R.S.O. 1950, c. 166, s. 58 (3), *amended*.

Expenditures
eligible for
subsidy

78. Expenditures that are properly chargeable to road improvement include those made for any or all of the following purposes:

1. Opening a new road and acquiring the necessary land therefor.
2. Clearing a road of obstructions.
3. Widening, altering or diverting a road.

4. Subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road by an operating corporation. R.S.O. 1950, c. 318
5. Constructing and maintaining bridges, culverts or other structures, other than sewers, incidental to the construction of a road.
6. Grading.
7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor, other than sewers.
8. Constructing and maintaining any type of road surface.
9. Constructing and maintaining curbs, gutters and catch basins.
10. Clearing snow and applying chemicals or abrasives to icy surfaces.
11. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 59, amended.

79. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, the expenditures made on the opening or constructing of any road therein are not properly chargeable to road improvement under this Part unless the road is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Minister. Opening or constructing road in subdivision not eligible R.S.O. 1950, c. 166, s. 60 (1, 2); 1953, c. 45, s. 1, amended.

80. Except with the consent of the Minister, no expenditures, other than those that are provided for entirely by aid granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality or by the issue of debentures to be retired by a general rate so levied, shall be included in the statement submitted under section 77. Expenditures, how provided for R.S.O. 1950, c. 166, s. 61, amended.

81. Notwithstanding section 80, any contribution made by a county under section 56 towards the construction and maintenance of roads, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 77 for the purpose Contribution of county under s. 56 may be included in statement for subsidy

of determining the grant payable to such urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certified by the county road superintendent may be so included. 1955, c. 28, s. 3, *amended*.

King's
Highway
extension
or con-
necting link

82. In the case of a city or separated town, the Minister may require that of the expenditure to be made under this Part so much as is necessary shall be made on the construction and maintenance of the roads that he designates as extensions or connecting links of the King's Highway. R.S.O. 1950, c. 166, s. 62, *amended*.

Aid granted
to township
by city,
town or
village to be
subsidized
R.S.O. 1950,
c. 243

83. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* a city, town or village grants aid to a township towards the construction or maintenance of a township road, the aid so granted is properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. 1951, c. 33, s. 4, *amended*.

PART VIII

DEVELOPMENT ROADS

Agreement
with muni-
cipality as
to develop-
ment roads

84.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a municipality, not being a city or separated town, in order to promote or maintain settlement or development, and the Minister and the municipality may enter into an agreement for its construction or maintenance; and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he deems requisite. R.S.O. 1950, c. 166, ss. 53, 54 (1); 1952 (2nd Sess.), c. 2, s. 15, *amended*.

Road re-
mains under
control of
municipality

(2) A development road constructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality. R.S.O. 1950, c. 166, s. 54 (2), *amended*.

PART IX

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Interpre-
tation

85.—(1) In this section,

- (a) "cost of the work" includes the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the

secretary-treasurer of the road commissioners elected under *The Statute Labour Act*, and the sheriff's costs in connection with the sale of land for arrears of statute labour; R.S.O. 1950, c. 372

- (b) "value of the labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed. R.S.O. 1950, c. 166, s. 52 (1).

(2) The Minister may arrange with the road commissioners elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he deems requisite. R.S.O. 1950, c. 166, s. 52 (2); 1952 (2nd Sess.), c. 2, s. 14 (1), *amended*. Arrangements for construction or maintenance

(3) Where the Minister deems it desirable that the inhabitants of any territory without municipal organization should become incorporated under *The Municipal Act*, the amount that may be paid out under this section in respect of a road in that territory shall not exceed 50 per cent of the value of the labour employed on the work. R.S.O. 1950, c. 166, s. 52 (3); 1952 (2nd Sess.), c. 2, s. 14 (2), *amended*. Where incorporation desirable

PART X

GENERAL

86. Subject to the approval of the Board, a municipality may by by-law designate any new road established under section 469 of *The Municipal Act* as a controlled-access road. 1954, c. 34, s. 4, *amended*. Controlled-access road designation

87.—(1) In this section, "road" includes an unopened road allowance. *New*. Interpretation

(2) Subject to the approval of the Board, a municipality may by by-law close a municipal road that intersects or runs into a controlled-access road designated under section 86. Closing of intersecting municipal roads

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be Application for approval

filed with the Board and the municipality within such time as the Board directs.

Powers of Board

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. 1954, c. 34, s. 4, *amended*.

Appeal

(5) The municipality or any person, including a municipality or a local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

Compensation

(6) Upon the closing of a road in accordance with an order of approval, the municipality shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

Private roads, etc., opening upon controlled-access road

88.—(1) A municipality may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road designated under section 86 and may impose penalties for contravention of any such by-law.

Notice

(2) The municipality may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. 1954, c. 34, s. 4, *amended*. Offence and penalties

(6) Where a notice given under subsection 2 has been complied with, the municipality shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

(7) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*. *New*. Procedure

89. The road superintendent appointed by a road authority under this Act may, without any direction from the Minister or road authority by which he is appointed, initiate and carry out proceedings under *The Ditches and Watercourses Act* and may sign petitions under *The Municipal Drainage Act* for the purpose of procuring proper drainage for any road within the jurisdiction and control of the road authority, and he has authority to file or receive notices as owner in accordance with the procedure prescribed by such Acts. R.S.O. 1950, c. 166, s. 96, *amended*. Authority of road superintendent with regard to drainage
R.S.O. 1950, c. 105, 246

90.—(1) Notwithstanding *The Municipal Act*, a road superintendent may, without the passing of a by-law or resolution, apply to the owner of any gravel pit or gravel land for gravel for road purposes. Obtaining gravel for road purposes
R.S.O. 1950, c. 243

(2) The road superintendent shall state in the application the price per cubic yard or per acre of such amount of gravel as he requires. Application to state
price offered

(3) If the owner does not, within three days after receiving the application, agree with the road superintendent to sell the gravel or the land and as to the price at which the same shall be sold, the road superintendent may, upon seven days notice in writing to the owner, apply to a judge of the county Application to county
judge to fix price

or district court of the county or district in which the gravel or the land is situate for an order fixing the price to be paid for the gravel or the land, and the judge upon the application and upon hearing such evidence as he deems necessary may fix the price per cubic yard or per acre to be paid for the gravel or the land and may order and direct that upon the payment or tendering of the price so fixed the road superintendent, by his servants or agents, may enter upon the lands and take the gravel so required.

Appeal

(4) An appeal lies from the order of the judge of the county court to the Court of Appeal. R.S.O. 1950, c. 166, s. 97, *amended*.

Closing
road to
traffic

91.—(1) While a work authorized by this Act is in progress on a road, other than the King's Highway, the road superintendent or a person authorized by him may close the road to traffic for such time as the road superintendent or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

Alternative
route to be
provided

(2) While a road is so closed to traffic, the municipality having jurisdiction and control of the road shall provide and keep in repair an alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing, and for the period during which the road is closed to traffic the alternative route is under the jurisdiction and control of that municipality.

Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of the road so closed, and wherever an alternative route deviates therefrom, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the road is closed to traffic. R.S.O. 1950, c. 166, s. 98 (2, 3), *amended*.

No municipal
liability

(4) Every person using a road closed to traffic in accordance with this section does so at his own risk and the municipality having jurisdiction and control of the road is not liable for any damage sustained by a person using a road so closed to traffic. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

Offence and
penalty

(5) Every person who without lawful authority uses a road so closed to traffic while it is protected in accordance with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty or not more than \$50 and is also liable to the

municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement.

(6) This section applies to any road for which provision has been made under any Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 98 (4, 5), *amended*. Application of section to special cases

92. Where an engineer of the Department reports to the Minister that a municipal road is out of repair, the Minister may, after at least two months notice in writing to the municipality, direct the Department to undertake the work of putting the road in repair, and the cost of the work shall be chargeable to and shall be a debt due from the municipality to the Crown, and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. R.S.O. 1950, c. 166, s. 98 (6); 1956, c. 28, s. 26, *amended*. Repair and maintenance of road by Department on default of municipality

93. Notwithstanding any other Act, no earth, debris or excavated material shall be deposited within the limits of any road without permission in writing so to do from the road authority responsible for the maintenance of the road. R.S.O. 1950, c. 166, s. 99, *amended*. Excavated material

94.—(1) A local municipality may construct a sidewalk or other improvement or service on a highway or road with the written consent of the authority having jurisdiction and control of the highway or road. Local municipalities may construct sidewalks, etc.

(2) The cost of such a sidewalk, improvement or service may be met out of the general funds of the local municipality or out of funds of the authority having jurisdiction and control of the highway or road, or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided R.S.O. 1950, c. 215

(3) A local municipality when constructing such a sidewalk, improvement or service shall conform to any requirements or conditions imposed by the authority having jurisdiction and control of the highway or road, and is responsible for any injury or damage occasioned by the construction or presence of the sidewalk, improvement or service. R.S.O. 1950, c. 166, s. 100 (1-3), *amended*. Local municipality to conform to requirements and be responsible for damage

(4) A township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and, upon the approval being given, the township Construction of sidewalk or footpath

may apply to the Minister in the form prescribed by him for the payment to it out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work, and the Minister may authorize the payment. R.S.O. 1950, c. 166, s. 100 (4); 1952 (2nd Sess.), c. 2, s. 20; 1956, c. 28, s. 27, *amended*.

Planting
trees

95. A municipality or suburban roads commission may plant trees on its roads, and the cost of the work shall be deemed to be part of the cost of maintaining the road. R.S.O. 1950, c. 166, s. 101, *amended*.

Agreement
with owner
for removal

96.—(1) A road superintendent, with the approval of the road authority, may enter into an agreement with the owner of any land adjacent to a road under the jurisdiction and control of the road authority for the removal of any tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjoining the road and that may cause the drifting or accumulation of snow or may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road, and the agreement may provide for the amount of compensation to be paid to the owner for damages caused to him by reason of such removal.

Application
to judge for
order to
remove

(2) Where the road superintendent is of the opinion that a tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjacent to the road will cause the drifting or accumulation of snow or will injuriously affect the road or will obstruct the vision of pedestrians or drivers of vehicles on the road and he is unable to agree with the owner of the land for the removal of the same or as to the amount of compensation to be paid therefor, he may, with the approval of the road authority, apply to a judge of the county court of the county in which the land affected is situated for an order authorizing him to enter upon the land affected and remove any object with respect to which the application is made, and the judge, upon such notice to the owner of the land as he deems proper, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion are equitable.

Application
of R.S.O.
1950, c. 189

(3) *The Judges' Orders Enforcement Act* applies to every application and order made under subsection 2.

By-laws for
clearing
adjacent
land

(4) A county or township may by by-law determine and fix the distance from the centre line of a road under its jurisdiction and control within which the owner of any lands adjacent to the road shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected

any fence, sign board, gasoline pump, building or other structure that may cause the drifting or accumulation of snow or that may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road. R.S.O. 1950, c. 166, s. 102, *amended*.

97.—(1) A municipality, other than a city or separated town, with the approval of the Minister, may make an agreement with the road authority having jurisdiction and control of the King's Highway, a county road or a suburban road for the widening of the highway or road in the municipality, and may make a further agreement with the road authority and any municipality or commission interested in the highway or road and with any municipality, commission or company owning or operating a street railway or electric railway on the highway or road fixing the proportions in which the cost of the widening and of the removal or replacing or altering of the tracks of the street railway or electric railway consequent upon the widening shall be borne by the municipality, the road authority, any municipality or commission interested in the highway or road and by the municipality, commission or company owning or operating the street railway or electric railway. Agreements for widening

(2) Where the parties to the proposed agreement are unable to agree as to the proportion in which each of them shall so contribute, the same shall be determined by the Board and the decision of the Board is final and conclusive and is not subject to any appeal. Apportioning cost

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway or road, the municipality may pass by-laws for acquiring by purchase or otherwise or for expropriating any land described in the agreement or necessary to carry out the provisions thereof, and *The Municipal Act* as to the acquiring, occupying or taking of land for municipal purposes applies to the acquiring, occupying or taking of land under the by-law. By-law for acquiring land

(4) A county not having jurisdiction and control of the highway or road but through which the highway or road passes may agree to contribute to the cost of the widening of the highway or road, but nothing in this section shall be deemed to render it compulsory upon the county to so contribute. R.S.O. 1950, c. 166, s. 103, *amended*. Voluntary contributions from municipalities

98. A commission appointed under an Act of the Legislature for the purpose of exercising or carrying out in any particular locality powers elsewhere exercisable by a municipality with respect to the construction of roads has the like rights and powers and shall perform the like duties and be Aid to commissions governing certain localities

entitled to the same aid as a township under this Act. R.S.O. 1950, c. 166, s. 104, *amended*.

Vouchers

99. Where a subsidy is applied for under this Act, vouchers covering all expenditures in respect of which the subsidy is applied for shall be furnished to the Minister in a form satisfactory to him and the Minister may require the production of any book, statement or other document respecting such subsidy. R.S.O. 1950, c. 166, s. 105; 1956, c. 28, s. 28, *amended*.

Warrant

100.—(1) If resistance or opposition is made to the Minister or any person authorized by him entering upon or taking possession of land under this Act or exercising any other power in respect of land under this Act, the Minister may apply to a judge of the Supreme Court or of a county or district court of the county or district in which the land is situate for a warrant (Form 1) directing the sheriff of such county or district to put down such resistance or opposition and to put the Minister in possession of the land or to take such steps as may be necessary to enable the Minister to exercise such power.

Hearing

(2) The judge shall in writing appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

Issue of warrant

(3) On proof of such resistance or opposition and of the interest of the Crown in such land or of the intention of the Minister to exercise a power in respect thereof, the judge may issue the warrant.


Execution of warrant

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. *New*.

How cost to be provided

101. The cost of material, labour, special engineering or other services, land and property or options thereon, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 73; 1952 (2nd Sess.), c. 2, s. 17, *amended*.

Highway Construction Account

 **102.**—(1) The Highway Reserve Account in the Consolidated Revenue Fund is continued under the name of the Highway Construction Account and such amounts as are appropriated by the Legislature for that account shall be credited to that account.

(2) The Minister may pay out of the Highway Construction ^{Idem} Account expenditures incurred in the construction of highways. 1952 (2nd Sess.), c. 2, s. 21, *amended*.

103. Notwithstanding anything in any other Act, all fines ^{Application of fines} and penalties recovered for offences under this Act committed on or with respect to a highway under the jurisdiction and control of the Department shall be paid to the Department. R.S.O. 1950, c. 166, s. 86 (2), *amended*.

104. The following are repealed:

Repeal:

1. *The Highway Improvement Act*, except sections 69, 81 and 82 thereof. ^{R.S.O. 1950, c. 166, except ss. 69, 81, 82}
2. *The Highway Improvement Amendment Act, 1951.* ^{1951, c. 33}
3. *The Highway Improvement Amendment Act, 1952.* ^{1952 (2nd Sess.), c. 2}
4. *The Highway Improvement Amendment Act, 1953.* ^{1953, c. 45}
5. *The Highway Improvement Amendment Act, 1954.* ^{1954, c. 34}
6. *The Highway Improvement Amendment Act, 1955.* ^{1955, c. 28}
7. *The Highway Improvement Amendment Act, 1956,* ^{1956, c. 28, except s. 18} except section 18 thereof.

105. This Act comes into force on the day it receives ^{Commence-ment} Royal Assent.

106. This Act may be cited as *The Highway Improvement* ^{Short title} *Act, 1957.*

FORM 1

WARRANT

(Sec. 100)

PROVINCE OF ONTARIO

COUNTY (or DISTRICT) OF

IN THE MATTER OF
The Highway Improvement Act
 AND IN THE MATTER OF

.....

To

SHERIFF, ETC. :

WHEREAS resistance or opposition has been made to the Minister of Highways or a person authorized by him entering upon or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 100 of *The Highway Improvement Act* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the Minister of Highways in possession of the said land (*or*, to put down such resistance or opposition and take such steps as may be necessary to enable the Minister of Highways to), and make a return to me of your execution hereof.

GIVEN under my hand this day of 19....

.....

JUDGE

New.

BILL

The Highway Improvement Act, 1957

1st Reading

February 4th, 1957

2nd Reading

February 26th, 1957

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

*(Reprinted for consideration by the
Committee of the Whole House)*

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

BILL
The Highway Improvement Act, 1957

MR. ALLAN (Haldimand-Norfolk)

No. 69

1957

BILL

The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "bridge" means public bridge and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "construction" includes re-construction;
- (d) "Department" means Department of Highways;
- (e) "Deputy Minister" means Deputy Minister of Highways;
- (f) "highway" means a common or public highway or any part thereof and includes a street, bridge and any other structure incidental thereto and any part thereof;
- (g) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (h) "maintenance" includes repair;
- (i) "Minister" means Minister of Highways;
- (j) "owner" includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (k) "regulations" means regulations made under this Act;

- (l) "road" has the same meaning as highway;
- (m) "road authority" means a body having jurisdiction and control of a highway;
- (n) "roadway" means that part of a highway designed or intended for use by vehicular traffic. R.S.O. 1950, c. 166, s. 1, cls. (b-d), (f-i); c. 323, s. 1, cls. (a, e, h), *amended*.

PART I

THE KING'S HIGHWAY

Property
vested in
Crown

2.—(1) All property acquired under this Part is vested in the Crown and is under the jurisdiction and control of the Department. R.S.O. 1950, c. 166, s. 65, *amended*.

Property
may be
sold, etc.

(2) Subject to subsection 2 of section 3, all property that is under the jurisdiction and control of the Department may be leased, sold or otherwise disposed of by the Minister. R.S.O. 1950, c. 166, s. 71 (1), *amended*.

Crown
Land
Plans

3.—(1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan and description of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part.

Crown
land no
longer
required

(2) Where jurisdiction and control of land or any part thereof acquired under subsection 1 is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. *New*.

Power to
enter on
land, etc.

4. The Minister or any person authorized by him may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to or from any land; or
- (d) place upon or remove from any land any substance or structure,

for any purpose of this Part. *New.*

5. The Lieutenant-Governor in Council may designate a ^{Designation of the King's Highway} highway or proposed highway as the King's Highway. R.S.O. 1950, c. 166, s. 64 (1), *amended.*

6.—(1) Where the Minister desires to acquire an existing ^{Procedure for acquiring a highway} highway, he shall register in the proper registry or land titles office a plan and description of the highway to be known as and marked "Assumption Plan" and signed by himself, or ^{Assumption Plan} by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. R.S.O. 1950, c. 166, s. 66 (1); 1956, c. 28, s. 11 (1), *amended.*

(2) The Minister may, before registering an ^{Preliminary Assumption Plan} Assumption Plan, register in the proper registry or land titles office a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway shall thereafter be registered under subsection 1. R.S.O. 1950, c. 166, s. 66 (3); 1956, c. 28, s. 11 (2), *amended.*

7.—(1) The Minister may, in the name of Her Majesty, ^{Land may be acquired or expropriated} acquire by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land for the purposes of this Part or for making compensation in whole or in part to any person under this Part. R.S.O. 1950, c. 166, s. 68, *amended.*

(2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan and description of the land to be known as and marked "Land Plan" and signed by himself, or by the ^{Procedure for expropriation of land}

Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land vests in the Crown.

Where land temporarily required, etc.

(3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

Power to take whole lot when part only required

(4) Where the Minister is of opinion that he can obtain the whole of a lot or parcel of land at a more reasonable price or to greater advantage than by acquiring a part thereof only, he may expropriate the whole of the lot or parcel and also any right-of-way thereto. *New.*

Correction of errors

8. In case of any omission, misstatement or erroneous description in any plan or description registered under this Part, the Minister may register in the proper registry or land titles office a plan or description replacing or amending such original plan or description and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby. R.S.O. 1950, c. 166, s. 72 (4), *amended.*

Verification of plans and descriptions

9. Where a plan and description purporting to be signed by any of the persons authorized so to do is registered under this Part, it shall be deemed to have been registered by the direction and authority of the Minister and as indicating that in the opinion of the Minister the highway described or the land described is necessary for the purposes of this Part, and the plan and description shall not be called in question except by the Minister or by a person authorized by the Minister. *New.*

Notice to be given to owner

10.—(1) Where any of the powers conferred by section 4 or 7 have been exercised, the Minister shall, within sixty days thereafter, give notice to the owner,

(a) if the owner is known and his residence is known, by serving upon or by mailing by registered letter addressed to him at his last known place of residence

a notice describing the land affected and the power exercised and stating that every person having any claim to compensation must file the claim in the office of the Minister within six months after the date of the notice, or, in the case of land injuriously affected, within six months after the injury complained of, or, in the case of a continuing injury, within one year from the time when the injury began or became known to him; or

- (b) if the owner is unknown or his place of residence is unknown, by the publication of a similar notice once a week for at least three weeks in a newspaper having general circulation in the county or district in which the land affected is situate.

(2) Where notice has been given under subsection 1, a ^{where} claim for compensation shall be made within the time limited ^{notice given} by the notice.

(3) Where no notice has been given under subsection 1, ^{where no} a claim for compensation may be made at any time by giving ^{notice given} notice thereof to the Minister, and the provisions of this Part with respect to the fixing, payment and application of compensation apply thereto. *New.*

11.—(1) The Minister shall make due compensation to the ^{Right to} owner of land for any damage necessarily resulting from the ^{compensation} exercise of any of the powers conferred by section 4 or 7, beyond any advantage that the owner may derive from the contemplated work. *New.*

(2) Every such claim for compensation not agreed upon ^{Determina-} by the Minister and the claimant shall be determined by the ^{tion of} Board and not otherwise, and *The Ontario Municipal Board* ^{compensa-} *Act*, except section 98, applies so far as is practicable to every ^{tion} such claim that is referred to the Board. ^{R.S.O. 1950,} c. 166, s. 91 (1), *amended.* ^{c. 262}

(3) The Minister or the claimant may, with leave of the ^{Appeal to} Court of Appeal, appeal to that court from any determination ^{Court of} or order of the Board as to compensation under this Part. ^{Appeal} 1953, c. 45, s. 2, *part.*

(4) Application for leave to appeal shall be made within ^{Time for} thirty days after the date of the determination or order of ^{appeal} the Board and the rules of court as to court vacations apply. *New.*

(5) The leave may be granted on such terms as to the ^{Terms} appellant giving security for costs and otherwise as the court deems just. 1953, c. 45, s. 2, *part.*

Procedure

(6) Subject to subsection 4, the practice and procedure as to the appeal and incidental thereto are the same *mutatis mutandis* as upon an appeal from a county court. 1953, c. 45, s. 2, *part, amended*.

Character of compensation

12.—(1) The compensation agreed upon or determined under section 11 stands in the stead of the land concerned, and any claim to or encumbrance on such land shall, as respects the Crown, be converted into a claim to or upon the compensation and no longer affects such land.

Payment of compensation under \$200

(2) If the compensation agreed upon or determined under section 11 does not exceed \$200, it may be paid to the person who may convey the land or agree as to the compensation without the giving of notice to any other person, saving always the rights of any other person to the compensation as against the person receiving it. *New*.

Right of Crown to abandon land expropriated

13.—(1) Where at any time before compensation for land expropriated has been agreed upon or determined under section 11 the land or any part thereof is found to be unnecessary for the purposes of this Part or if it is found that a more limited estate or interest therein only is required, the Minister may, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and registered in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Crown or that it is intended to retain only such limited estate or interest as is mentioned in the writing, and thereupon,

- (a) the land declared to be abandoned reverts in the person from whom it was expropriated and those entitled to claim under him; or
- (b) in the event of a limited estate or interest being retained by the Crown, the land so reverts subject to such limited estate or interest.

Effect upon compensation

(2) Where part only of the land or all of it except the limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the amount to be paid to a person claiming compensation.

Damages where abandonment complete

(3) Where the whole of the land is abandoned, the person from whom it was expropriated is entitled to all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the

damages shall be determined in accordance with subsections 2 to 6 of section 11. *New.*

14.—(1) In any case in which the Minister deems it ^{Payment} advisable, he may, without an order, pay the compensation ^{into court} or damages into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months.

(2) Upon an application for payment out of court of com- ^{Payment} pensation or damages paid into court under subsection 1, ^{out of} a judge of the Supreme Court may direct that such notice ^{court} of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation or damages and as to costs as he deems just.

(3) If an order is obtained under subsection 2 in less than ^{Adjustment} six months after the payment of the compensation or damages ^{of interest} into court, the judge may direct a proportionate part of the interest to be returned to the Minister.

(4) Where unborn issue or an unascertained person or ^{Where} class are interested in the compensation or damages, the ^{unborn} judge may appoint such person as he deems proper to represent ^{issue, etc.,} or act for them and any order made is binding on them. ^{interested}
New.

15. Every person who is claiming compensation or damages ^{Minister} under this Part shall, upon demand made therefor by the ^{may require} Minister or any person authorized by him, furnish to the ^{particulars} Minister a true statement showing the particulars of his interest in the land concerned and of the claim made by him.
New.

16. Where an injury to land alleged to be injuriously ^{When re-} affected by the exercise of any of the powers mentioned in ^{paration by} section 4 or 7 may be removed in whole or in part by an ^{Crown may} alteration in or addition to any work to which this Part ^{be ordered} applies or by the construction of any additional work or by the abandonment of any part of the land expropriated or by the grant of any land or easement, and if the Crown, before the compensation is agreed upon or determined, undertakes to make such alteration or addition or to construct such additional work or to abandon such portion of the land expropriated or to grant such land or easement, the compensation shall be determined having regard to such undertaking, and the Board shall declare that, in addition to any compensation determined, the claimant is entitled to have such alteration or addition made or such additional work constructed or such portion of the land abandoned or such grant made to him.
New.

Interest

17.—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation or damages from the time when the land was expropriated, used or injuriously affected, but no person who has been offered in writing a sum equal to or greater than the compensation or damages shall be allowed interest thereon for any period after the date of the offer.

Where interest may be withheld

(2) Where the Board is of the opinion that any delay in determining the compensation or damages is attributable in whole or in part to the person entitled to the compensation or damages or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.*

Payment of compensation, damages and costs

18. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any person any sum to which he is entitled under this Part as compensation, damages or costs. *New.*

Minister may exercise powers of municipality

19. The Minister has, within the limits of any municipality in which the King's Highway is situate, all the powers that may be exercised by that municipality in respect of its highways. R.S.O. 1950, c. 166, s. 80 (1); 1956, c. 28, s. 17 (1), *amended.*

Previous rights and agreements

20.—(1) The Minister has in respect of the King's Highway all the rights, powers, benefits and advantages conferred by by-law or agreement or otherwise upon the municipality that had jurisdiction and control of the highway before the highway was vested in the Crown, and the Crown may sue thereon in the same manner and to the same extent as the municipality might have done if the highway had not vested in the Crown. R.S.O. 1950, c. 166, s. 80 (2); 1956, c. 28, s. 17 (2), *amended.*

Right of Minister to copies of by-laws, etc.

(2) The Minister is entitled to a copy of any such by-law or agreement from the municipality and has the right to inquire into and ascertain full particulars concerning any such by-law or agreement. R.S.O. 1950, c. 166, s. 80 (3); 1956, c. 28, s. 17 (3), *amended.*

Intersecting highways

21. Where the King's Highway intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway. R.S.O. 1950, c. 166, s. 66 (2), *amended.*

Continuing King's Highway through city, town or village

22.—(1) Where it is deemed by the Minister that a highway in a city, town or village should be constructed as

a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Minister may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town or village, and the council of the city, town or village may pass by-laws for issuing and may issue debentures under *The Municipal Act* to be payable in such period as the Minister approves, but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of such highway, but it is not necessary for the council to obtain the assent of the electors to any such by-law for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 78 (3); 1956, c. 28, s. 15 (2), *amended*. R.S.O. 1950,
c. 243

(2) Work required to be constructed under subsection 1 *Idem* may be undertaken as a local improvement under *The Local Improvement Act* and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper. R.S.O. 1950, c. 166, s. 78 (4). R.S.O. 1950,
c. 215

(3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of the highway designated under subsection 1. *Agreement for work* R.S.O. 1950, c. 166, s. 78 (5), *amended*.

(4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of the highway designated under subsection 1. *Idem, cities and separated towns* 1955, c. 28, s. 4 (1), *amended*.

(5) An agreement under subsection 3 or 4 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town or village, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed, *Cost of work*

(a) in the case of a town, not being a separated town, or of a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) in the case of a town, not being a separated town, or of a village having a population of more than 2,500,

a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet; and

- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet. 1955, c. 28, s. 4 (2); 1956, c. 28, s. 15 (3), *amended*.

Idem,
bridges
and culverts

(6) Notwithstanding clause *b* of subsection 5, in the case of a town, not being a separated town, or of a village having a population of more than 2,500 where the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement. 1956, c. 28, s. 15 (4), *amended*.

Determina-
tion of cost
of work

(7) For the purposes of agreements entered into under subsections 3 and 4, the owner's share of the cost of local improvements shall not be included in the cost of the work nor may any other contribution received from any source be so included without the consent of the Minister. *New*.

Jurisdiction
unchanged

(8) A highway does not by reason of its having been constructed or maintained under this section become the property of the Crown, but every such highway remains under the jurisdiction and control of the municipality in which it is situate. R.S.O. 1950, c. 166, s. 78 (7), *amended*.

Agreement
for con-
struction of
greater
width of
roadway

23.—(1) The Minister and a municipality in which a part of the King's Highway is situate or an owner of land adjoining a part of the King's Highway may enter into an agreement for the construction of a roadway of a greater width or with different specifications than those for the remainder of the roadway, and the Department may construct the roadway accordingly. R.S.O. 1950, c. 166, s. 88 (1), *amended*.

Raising cost
of special
work

(2) The additional cost entailed under such an agreement to be borne by a municipality may be raised by a special tax or by the issue of debentures under *The Local Improvement Act* or by the issue of debentures under *The Municipal Act*, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures, but it is not necessary to obtain the assent of the electors to any by-law for the issue of such debentures

R.S.O. 1950,
cc. 215, 243

under *The Municipal Act* or to observe any of the provisions of *The Local Improvement Act* with respect to the undertaking of works as local improvements. R.S.O. 1950, c. 166, s. 88 (2).

24.—(1) Where the Minister or a person authorized by him deems it advisable to change the grade or make other alterations upon a highway intersecting or affording access to the King's Highway or giving access to private property, the cost of the changes so made shall be deemed to be part of the cost of the construction of the King's Highway.

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the consent of the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 84, *amended*.

25.—(1) The Minister or a person authorized by him may initiate and carry out proceedings under any Act for the purpose of procuring proper drainage for the King's Highway, and the Minister or such authorized person has authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Minister or such authorized person. R.S.O. 1950, c. 166, s. 90 (1); 1956, c. 28, s. 22, *amended*.

(2) The Minister may from time to time designate one or more engineers of the Department to be the engineer or engineers authorized to carry out the provisions of any Act for the purpose of procuring proper drainage for the King's Highway or other property under the control of the Department, and every engineer so designated has for such purpose all the powers and shall perform all the duties on behalf of the Department required of an engineer appointed by a municipality. R.S.O. 1950, c. 166, s. 90 (2), *amended*.

26. The Minister may construct, maintain and operate such works as he deems necessary or expedient for the purposes of this Part and he and any person, including a municipality or local board thereof, may enter into agreements with respect to any such works. R.S.O. 1950, c. 166, s. 89, *amended*.

27.—(1) While a work authorized by this Part is in progress, the Minister or a person authorized by him may close highway to traffic the King's Highway on which the work is being done for such time as the Minister or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*.

Alternative
routes
during work

(2) While the King's Highway is so closed to traffic, the Department shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, or the Minister and a municipality may enter into an agreement for that purpose or the Minister may make a grant to a municipality for that purpose, and any such expenditure or grant shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary. R.S.O. 1950, c. 166, s. 79 (3); 1956, c. 28, s. 16 (2), *amended*.

Barricades

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and wherever an alternative route deviates from it, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. *New*.

No Crown
liability

(4) Every person using the King's Highway closed to traffic in accordance with this section does so at his own risk and the Crown is not liable for any damage sustained by a person using the King's Highway so closed to traffic. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*.

Penalty

(5) Every person who, without lawful authority, uses the King's Highway so closed to traffic while it is protected in accordance with subsection 3 or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the Crown for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1950, c. 166, s. 79 (2); 1956, c. 28, s. 16 (1), *amended*.

Closing

28.—(1) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed.

Reversion or
transfer to
municipality

(2) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department shall revert to the road authority previously responsible for its maintenance or be transferred to the municipality within which it is situate, and it shall be vested

in and be under the jurisdiction and control of the road authority to which it so reverts or the municipality to which it is so transferred on and after the day named by the Lieutenant-Governor in Council. 1956, c. 28, s. 12, *amended*.

(3) Where the Lieutenant-Governor in Council directs the reversion or transfer of a highway under subsection 2, any designation of the highway as the King's Highway or as a secondary highway is revoked on the day named by the Lieutenant-Governor in Council under subsection 2. *New.* Designation
revoked

29.—(1) The Department may plant trees upon the King's Highway and the cost thereof shall be part of the cost of its maintenance. R.S.O. 1950, c. 166, s. 83 (1), *amended*. Planting
trees

(2) No person, including a municipality and a local board thereof, shall injure, destroy, cut or prune any tree within the limits of the King's Highway without first obtaining the consent in writing of the Minister or a person authorized by him. R.S.O. 1950, c. 166, s. 83 (2), *amended*. Cutting,
etc.

(3) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning. 1955, c. 28, s. 5, *amended*. Penalty

(4) The Department may pay an amount not exceeding 75 cents for each elm, maple or other tree of a species approved by the Department planted on land adjoining the King's Highway in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (3); 1956, c. 28, s. 19 (1), *amended*. Bonus for
planting
trees

(5) The amounts paid under subsection 4 shall be chargeable to the moneys appropriated therefor by the Legislature and are payable upon a certificate of an engineer of the Department giving the name of the person entitled, the number of trees of each species planted and the amount to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form and were planted in accordance with the conditions of the permit granted therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (4); 1952 (2nd Sess.), c. 2, s. 19; 1956, c. 28, s. 19 (2), *amended*. Bonus
chargeable

(6) The Minister may agree with the owners of property adjoining the King's Highway with respect to the moving, removal or construction of a wire or other type of fence along the King's Highway and may pay the owner therefor. Agreements
re fences

Removal of
obstructions

(7) Subject to the payment of such compensation as may be agreed upon or as may be determined in the manner provided by section 11, the Minister may direct the owner of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the King's Highway to remove it where in his opinion the safety or convenience of the travelling public so requires or where in his opinion it might cause the drifting or accumulation of snow or be injurious to the highway. R.S.O. 1950, c. 166, s. 83 (5, 6), *amended*.

Interference
with King's
Highway

30.—(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, shall obstruct or deposit material upon or take up or in any way interfere with the King's Highway except in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 85 (1), *amended*.

Penalty

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$1,000. R.S.O. 1950, c. 166, s. 85 (2), *amended*.

Regulating
use

31.—(1) The Minister may make regulations prohibiting or regulating the use of the King's Highway by any class of vehicles or animals and may impose penalties for contravention thereof, but no such regulation has any force or effect until approved by the Lieutenant-Governor in Council after notice to any municipality affected thereby. R.S.O. 1950, c. 166, s. 86 (1), *amended*.

Horses,
cattle, etc.,
on highway

(2) Every person who, being the owner or having the care, custody or control of horses, cattle, swine, sheep or goats, suffers or permits the same or any of them to run at large within the limits of the King's Highway is guilty of an offence and on summary conviction is liable to a penalty of not more than \$5 for every such animal found at large upon the highway, but this section does not create any civil liability on the part of the owner of such animal for damage caused to the property of others as a result of the animal running at large within the limits of the King's Highway. R.S.O. 1950, c. 166, s. 86 (3); 1956, c. 28, s. 20, *amended*.

Department
to maintain
and repair

32.—(1) The King's Highway shall be maintained and kept in repair by the Department and any municipality in which any part of the King's Highway is situate is relieved from any liability therefor, but this does not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by a municipality or which a municipality may lawfully do or construct upon the highway, and the

municipality is liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality. R.S.O. 1950, c. 166, s. 87 (1); 1956, c. 28, s. 21 (1).

(2) In case of default by the Department to keep the King's Highway in repair, the Crown is liable for all damage sustained by any person by reason of the default, and the amount recoverable by a person by reason of the default may be agreed upon with the Minister before or after the commencement of an action for the recovery of damages. R.S.O. 1950, c. 166, s. 87 (2); 1956, c. 28, s. 21 (2), *amended*. ^{Liability for damage in case of default}

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier adjacent to or in, along or upon the King's Highway or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the King's Highway that is not on the roadway. R.S.O. 1950, c. 166, s. 87 (3); 1956, c. 28, s. 21 (3), *amended*. ^{Insufficiency of fence, etc.}

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered letter to the Minister within ten days after the happening of the injury, but the failure to give or the insufficiency of the notice is not a bar to the action if the judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown is not thereby prejudiced in its defence. R.S.O. 1950, c. 166, s. 87 (5, 6); 1956, c. 28, s. 21 (4, 5). ^{Notice of claim}

(5) No action shall be brought against the Crown for the recovery of damages occasioned by the default mentioned in subsection 2, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time the damage was sustained. R.S.O. 1950, c. 166, s. 87 (4), *amended*. ^{Limitation of action}

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of any claim for damages and costs that has been approved of in writing by counsel is payable in the same manner as in the case of a judgment recovered against the Crown in any other action. R.S.O. 1950, c. 166, s. 87 (7), *amended*. ^{Judgment, how payable}

Style of
action

(7) In any action against the Crown under this section, the defendant shall be described as "Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it is not necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action, but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of Her Majesty against another subject. R.S.O. 1950, c. 166, s. 87 (8); 1956, c. 28, s. 21 (6), *amended*.

Counter-
claims and
third party
proceedings

(8) Notwithstanding any general or special Act, in any action against the Crown under this section, the defendant may set up by way of counterclaim any right or claim whether the same sounds in damages or not and may claim contribution or indemnity from or any other relief over against any person not a party to the action, and every such counterclaim and claim may be instituted and carried on and judgment may be given as if such counterclaim or claim was made by a subject of Her Majesty against another subject. *New*.

Action to
be tried
without
jury

(9) Any action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred. R.S.O. 1950, c. 166, s. 87 (9); 1956, c. 28, s. 21 (7).

Liability
not to
exceed
that of
municipality

(10) The liability imposed by this section does not extend to a case in which a municipality having jurisdiction and control over the highway would not have been liable for the damage sustained. R.S.O. 1950, c. 166, s. 87 (10), *amended*.

Interpre-
tation

33.—(1) In this section, "centre point of an intersection" is the point where the centre line of the through portion of the King's Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King's Highway.

King's
Highway,
control of

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;
- (c) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of the King's Highway; or
- (d) use any land, any part of which lies within one-half mile of any limit of the King's Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

(3) No person shall authorize or permit any act prohibited by subsection 2. No authorization by others

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. Application

(5) The Minister may give notice to the owner of any land requiring him, Notice to remove, etc.

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub or hedge placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice, or advertising device displayed,

in contravention of subsection 2.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. Service of notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device as required by the notice. Failure to comply with notice

Offence and penalty

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device was placed, erected or altered, as the case may be,

R.S.O. 1937,
c. 56

(a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or

R.S.O. 1950,
c. 166

(b) before the day on which the King's Highway was so designated and in compliance with *The Highway Improvement Act*; or

(c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit.

Procedure

(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11.

Permits

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper, and may in his discretion cancel any such permit at any time.

Fee

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. *New.*

PART II

CONTROLLED-ACCESS HIGHWAYS

Controlled-access highway, designation

34. The Lieutenant-Governor in Council may designate any part of the King's Highway as a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (2), *amended.*

Interpretation

35.—(1) In this section, "road" includes an unopened road allowance. *New.*

Closing of intersecting municipal roads

(2) Subject to the approval of the Board, the Minister may close any road, other than a highway that is under the

jurisdiction and control of the Department, that intersects or runs into a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (3), *amended*.

(3) The Board may direct that notice of an application ^{Application for approval} for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. R.S.O. 1950, c. 166, s. 92 (4), *amended*.

(4) Upon the hearing of the application, the Board may ^{Powers of Board} make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. R.S.O. 1950, c. 166, s. 92 (6), *amended*.

(5) The Minister or any person, including any municipality ^{Appeal} or local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

(6) Upon the closing of a road in accordance with an ^{Compensation} order of approval, the Minister shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

36.—(1) In this section, "centre point of an intersection" ^{Interpretation} is the point where the centre line of the through portion or portions of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway. *New*.

(2) Notwithstanding any general or special Act, regulation, ^{Controlled-access highways, control of} by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

- (b) place any tree, shrub or hedge within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (c) sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon or within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (d) place, erect or alter any power line, pole line or other transmission line within one-quarter mile of any limit of a controlled-access highway;
- (e) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of a controlled-access highway;
- (f) use any land, any part of which lies within one-half mile of any limit of a controlled-access highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers; or
- (g) construct or use any private road, entranceway, gate, or other structure or facility as a means of access to a controlled-access highway. R.S.O. 1950, c. 166, s. 93 (1), *amended*.

No authori-
zation by
others

(3) No person shall authorize or permit any act prohibited by subsection 2. *New*.

Application

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. R.S.O. 1950, c. 166, s. 93 (2), *amended*.

Notice to
remove, etc.

(5) The Minister may give notice to the owner of any land requiring him,

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or

- (c) to close up any private road, entranceway, gate or other structure or facility constructed or maintained as a means of access to a controlled-access highway,

in contravention of subsection 2. R.S.O. 1950, c. 166, s. 93 (3, 4), *amended*.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter, and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. R.S.O. 1950, c. 166, s. 93 (5), *amended*. Service of
notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, or to close up the private road, entranceway, gate or other structure or facility as required by the notice. R.S.O. 1950, c. 166, s. 93 (6), *amended*. Failure to
comply
with notice

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. R.S.O. 1950, c. 166, s. 93 (9), *amended*. Offence and
penalty

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, private road, entranceway, gate or other structure or facility was placed, erected, altered, constructed or used, as the case may be, Compensation

- (a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or R.S.O. 1937,
c. 56
- (b) before the day on which the controlled-access highway was so designated and in compliance with *The Highway Improvement Act*; or R.S.O. 1950,
c. 166

- (c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit. 1951, c. 33, s. 5 (1), *amended*.

Procedure (10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11. *New*.

Permits (11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper and may in his discretion cancel any such permit at any time. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Fee (12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Regulation of vehicles and animals **37.—**(1) The Minister may make regulations prohibiting or regulating the use of controlled-access highways by any class of vehicles or animals.

Penalty (2) Every person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$5 and not more than \$50. R.S.O. 1950, c. 166, s. 94, *amended*.

Service roads **38.** The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. 1955, c. 28, s. 6.

PART III

SECONDARY HIGHWAYS

Secondary highways, designation; effect of designation **39.** The Lieutenant-Governor in Council may designate any highway as a secondary highway and thereupon Part I and all the other provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such secondary highway. 1956, c. 28, s. 9, *amended*.

PART IV

COUNTY ROADS

Establishment of system **40.—**(1) A county may by by-law adopt a plan of county road construction and maintenance and establish a county road system by designating the roads in any municipality in the county that are to form the system and may include in the system such boundary-line roads between the county

and any other county or between the county and a city or separated town as may be agreed upon by the municipalities interested.

(2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of any municipality from the roads in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly, but the representative or representatives in the county council of a municipality so exempt shall not vote upon a by-law passed under this Part, and for the purposes of section 44 the equalized assessment of a municipality so exempt shall not be included in ascertaining the total equalized assessment of the county. General rate

(3) All moneys raised under the by-law shall be applied in the construction and maintenance of roads in the county road system and to any expenditure properly chargeable to the county road system under this Part. R.S.O. 1950, c. 166, s. 11 (1-3), *amended*. Application of proceeds of rate

(4) A county may, by by-law, amend a by-law passed under this section in any manner, including the addition of roads to, or the removal of roads from, the county road system. R.S.O. 1950, c. 166, s. 11 (17), *amended*. Amendment

(5) A county may by by-law consolidate the by-law establishing its county road system and all by-laws amending such by-law, and may from time to time by by-law consolidate any such consolidating by-law and all by-laws amending such consolidating by-law. 1954, c. 34, s. 1, *amended*. Consolidating by-law

(6) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant-Governor in Council and the Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it is not necessary for the county to pass any further by-law amending the original by-law or repealing any portion thereof that has not been approved, and every such by-law as so approved is in force and has effect on and after the day on which the approval is given. R.S.O. 1950, c. 166, ss. 14, 15, *amended*. Approval

(7) Every road that forms part of a county road system vests in the county and is under the jurisdiction and control of the county on and after the day on which the by-law designating the road is approved by the Lieutenant-Governor in Council. Vesting of roads in county

**Revesting
of roads
in local
municipality**

(8) Every road that is removed from a county road system vests in the local municipality in which it is situate and is under the jurisdiction and control of that municipality on and after the day on which the by-law removing the road is approved by the Lieutenant-Governor in Council. *New.*

**Revocation
of approval**

(9) Where the Minister is of opinion that a road that forms part of a county road system is not of sufficient importance to be constructed and maintained as part of the system, the Lieutenant-Governor in Council may revoke the approval of the designation of such road as part of the system, and such road thereupon vests in the local municipality in which it is situate. R.S.O. 1950, c. 166, s. 16, *amended.*

**County road
committee**

41.—(1) Where a county road system is established under this Part, the county council shall appoint by by-law three or five persons who are residents of the county, but who need not be members of the council, who shall constitute a committee to direct the work to be done on the county road system.

**Term of
office**

(2) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of three years, and where the committee consists of five members, one member shall be appointed and hold office for a term of five years, one member shall be appointed and hold office for a term of four years, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of five years.

**Re-appoint-
ment**

(3) A member of the committee is eligible for re-appointment upon the expiry of his term of office.

**Removal
from office**

(4) A member of the committee may be removed by a vote of two-thirds of the members of the county council present and voting thereon at a regular meeting of the council.

Vacancies

(5) Where a member of the committee is so removed or dies or resigns his office, the county council may appoint some other person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed.

(6) The warden of the county for the time being is *ex officio* a member of the committee and may sit and vote <sup>Warden
ex officio
member</sup> thereon.

(7) Where a county road system is established under this Part in a county in which a suburban roads commission has been appointed, the county may by by-law provide that the members from time to time of the suburban roads commission constitute the committee to direct the work to be done on the county road system and in such case this section does not apply. R.S.O. 1950, c. 166, s. 11 (4-10), *amended*. <sup>Suburban
road com-
missioners
as county
road
committee</sup>

42.—(1) Where a county road system is established under this Part, the county shall by by-law appoint a county road superintendent who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*. <sup>County road
superin-
tendent</sup> R.S.O. 1950, c. 292

(2) The county road superintendent shall, under the direction of the county road committee, administer and manage the county road system. ^{Duties}

(3) Where a vacancy occurs in the office of county road superintendent, the county shall appoint another qualified person to the office. ^{Vacancy}

(4) A copy of every by-law appointing a county road superintendent or dealing with his salary and allowance shall be transmitted to the Minister within thirty days of the passing thereof and has no force or effect until approved in writing by the Minister, and when so approved shall not be repealed or amended without the approval in writing of the Minister. <sup>Copy of
by-law to
be sent to
Minister</sup>

(5) No member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. R.S.O. 1950, c. 166, s. 11 (11-15), *amended*. <sup>Members of
councils
not to be
appointed</sup>

43. The disbursement of all moneys pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof. R.S.O. 1950, c. 166, s. 11 (16), *amended*. <sup>Payment,
how to
be made</sup>

44.—(1) Subject to subsection 2, a county may, without the assent of the electors, pass by-laws to raise by debentures ^{Debentures}

R.S.O. 1950,
c. 243 payable in not more than twenty years in the manner provided by *The Municipal Act* such sums as may be necessary to meet the actual expenditure for the construction of roads under this Part.

Limit of
amount of
county rate

(2) Where a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under section 327 of *The Municipal Act*, the amount to be raised for the construction of roads under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with 5 per cent of the equalized assessment of the county added thereto. R.S.O. 1950, c. 166, s. 13 (1, 2), *amended*.

Temporary
advances

(3) A county may agree with a chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of construction of roads under this Part, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the county together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part V, and the county may pass by-laws to raise by debentures in the same manner as provided in subsection 1 such sums as may be necessary to repay such temporary advances. R.S.O. 1950, c. 166, s. 13 (4), *amended*.

Submission
of by-law
covering
estimated
expenditure

45.—(1) Every county that has established a county road system shall submit to the Minister for his approval a by-law covering the estimated expenditure on roads for the calendar year not later than the 31st day of March of the year in which the expenditure is to be made, and such by-law shall include expenditures to be made by any suburban roads commission in the county. R.S.O. 1950, c. 166, s. 17 (1); 1956, c. 28, s. 1, *amended*.

Subsidy

(2) No subsidy shall be granted to a county for work undertaken by the county that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 17 (2), *amended*.

Annual
statement
to Minister

46.—(1) Where a plan of road construction and maintenance under this Part is being carried out, the county shall annually, and may with the consent of the Minister at any time during the progress of the work, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is

correct and that the work has been done in accordance with the requirements of the Minister;

(c) a declaration of the county treasurer that the statement of receipts and expenditures is correct; and

(d) a petition for the payment of the grant authorized by resolution of the council, or in the case of an interim statement, by resolution of the county road committee. R.S.O. 1950, c. 166, s. 18 (1), *amended*.

(2) Upon receipt of the statement, declarations and petition, the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 18 (2); 1952 (2nd Sess.), c. 2, s. 3, *amended*. Payment to county

(3) Except with the consent of the Minister, no expenditure towards which a contribution has been or may be made from any source shall be included in a statement submitted under this section. R.S.O. 1950, c. 166, s. 19, *amended*. Certain expenditures not included in statement

47. The roads forming part of a county road system shall be maintained and kept in repair by the county, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement under this Act, and his decision is final. R.S.O. 1950, c. 166, s. 20, *amended*. Roads to be county roads

48. Every road constructed or maintained as part of a county road system shall be constructed and maintained in accordance with the requirements of the Minister. R.S.O. 1950, c. 166, s. 21, *amended*. County road system, construction and maintenance

49. Expenditure for which a county may be entitled to aid to county roads under this Act may include the maintenance by the county of a ferry service that forms a connecting link of a county road system or forms a link between the county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service and tolls therefor are subject to the approval of the Minister. R.S.O. 1950, c. 156, s. 22, *amended*. County expenditure may include ferry service

50.—(1) Where under *The Municipal Act* a county has jurisdiction over a bridge that is more than twenty feet in County expenditure may include county bridges
R.S.O. 1950, c. 243

span and the bridge is not in the county road system, the expenditure involved in constructing and maintaining the bridge under the supervision of the county road superintendent in accordance with plans approved by an officer of the Department designated by the Minister shall be deemed to form part of the expenditure in carrying out the plan of county road construction and maintenance, and debentures issued by a county after the 8th day of April, 1926, for the construction of any such bridge are legal, valid and binding upon the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*. R.S.O. 1950, c. 166, s. 23 (1); 1956, c. 28, s. 2, *amended*.

R.S.O. 1950,
c. 243

Aid to
county
bridges

(2) The Minister may direct the payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the cost of constructing and maintaining any such bridge more than twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister. R.S.O. 1950, c. 166, s. 23 (2); 1952 (2nd Sess.), c. 2, s. 4, *amended*.

Transfer
of small
bridges

(3) A county may by by-law provide that jurisdiction over every bridge of twenty feet or less in span that is not included in the county road system shall be transferred to the local municipality or municipalities in which it is situate, and thereupon all the rights, liabilities and obligations of the county with respect to such bridge are transferred to and vested in and imposed upon such local municipality or municipalities.

Diverting
road to
avoid con-
struction
of bridge

(4) A county, with the approval of the Lieutenant-Governor in Council, may by by-law provide for the closing of any bridge over which the county has jurisdiction under *The Municipal Act* or the substitution therefor of any other structure and for that purpose may exercise as to such bridge or other structure and the approaches thereto all the powers of a county as to roads and bridges in a county road system. R.S.O. 1950, c. 166, s. 23 (3, 4), *amended*.

Intersection
of other
roads by
county road

51. Where a county road intersects a road that is not a county road, the continuation of the county road to its full width across the road so intersected is a part of the county road system, except in the case of an intersection by a county road of the King's Highway in which case section 21 applies. R.S.O. 1950, c. 166, s. 24, *amended*.

52. A county is not liable for the construction or main-
tenance of sidewalks on any road in its county road system.
R.S.O. 1950, c. 166, s. 25, *amended*. Sidewalks
excepted

53. Where a county road leading or adjacent to a city or
separated town is or is to be improved or requires or will
require the expenditure of a greater amount for maintenance
to meet in any such case the requirements of increased,
heavy or other extraordinary traffic to or from the city or
separated town beyond the requirements which, but for the
existence of the city or separated town, would be deemed those
of a standard road for the locality, the city or separated
town by by-law passed with the assent of at least two-thirds
of the members of the council thereof may agree with the
county to contribute such additional cost, or a proper pro-
portion of the cost, or that the amount of the contribution
of the city or separated town shall be determined by arbitration
under *The Municipal Act*, and may, without the assent of
the electors, provide by by-law for the issue of debentures
payable in not more than twenty years from the date of the
issue thereof to raise the amount agreed upon or awarded, or
may agree with the county for the payment of such amounts in
annual instalments to be raised by an annual special rate
upon the rateable property in the city or separated town.
R.S.O. 1950, c. 166, s. 26, *amended*. Contribution
of cities,
etc., to
improvement
of county
roads

R.S.O. 1950,
c. 243

54.—(1) A local municipality that is not separated from
the county and the county or the suburban roads commission
may enter into an agreement in writing providing for the
widening of any county or suburban road in the local muni-
cipality or for the construction of a pavement more than
twenty-two feet in width or other special construction thereon
and for the maintenance of such pavement or other special
construction. Agreement
between
local
municipality
and county
for extra
work

(2) The agreement shall specify the party that is to do
the work and the manner in which and the time or times at
which the other party is to pay its share of the expenditure
made by the party doing the work, but no work shall be done
until the agreement has been approved in writing by the
Minister. Either party
may do
work;
consent of
Minister

(3) Where the agreement provides that the land required
for the widening of the road is to be acquired by the local
municipality, the local municipality, notwithstanding section
425 of *The Municipal Act*, may pass by-laws for widening
the road and acquiring by purchase or otherwise or expro-
priating such land, and the provisions of *The Municipal Act*
as to the acquiring, occupying and taking of land for municipal
purposes apply to the acquiring, occupying or taking of
land under any such by-law. Acquisition
of land by
local muni-
cipality

Transfer
to county

(4) The local municipality shall convey the land so acquired to the county and thereupon the land becomes a part of the road and is included in the county road system, and, where the road has been designated and approved as a suburban road under Part V, the land becomes part of the suburban road. R.S.O. 1950, c. 166, s. 25 (1-4), *amended*.

Apportion-
ment of
cost of
construction
of wider
pavements

(5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (5).

Minimum
proportion
to be borne
by county or
suburban
roads com-
mission

(6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area. R.S.O. 1950, c. 166, s. 27 (6), *amended*.

Idem, in case
of the
widening of
an existing
pavement

(7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem

(8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

Apportion-
ment of
cost of
maintenance

(9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs,

gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (7-9).

(10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Minimum proportion to be borne by county or suburban roads commission

(11) Where the local municipality and the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either the local municipality and the county or the suburban roads commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into and such agreement may be enforced in the same manner as an agreement executed by the local municipality and by the county or the suburban roads commission.

Failure to agree

(12) The local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet its share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. R.S.O. 1950, c. 166, s. 27 (10-12), *amended*.

Debentures for local municipality's share
R.S.O. 1950, c. 243, 215

(13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. R.S.O. 1950, c. 166, s. 27 (13); 1951, c. 33, s. 1; 1952 (2nd Sess.), c. 2, s. 5, *amended*.

Subsidy to local municipality

Remedy over (14) Where the agreement provides that the pavement or a part thereof is to be maintained and kept in repair by the local municipality and the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 453 of *The Municipal Act* for damage suffered by or occasioned to any person in consequence of such default, the county or the suburban roads commission is entitled to the remedy over against the local municipality provided for by section 460 of *The Municipal Act*. R.S.O. 1950, c. 166, s. 27 (14), *amended*.

Agreement between county and urban municipality re county road extensions, etc.

55.—(1) Where a road in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads in the county road system, the county shall enter into an agreement in writing with the urban municipality for the maintenance of such road, and, if it is in the public interest that such road be constructed, for the construction thereof.

Failure to agree

(2) Where the county and the urban municipality are unable to agree whether it is in the public interest that such road be constructed, the Minister shall decide the issue and his decision is final.

Idem

(3) Where a county and an urban municipality are unable to agree upon any term or condition or the form of an agreement required to be entered into under subsection 1 or where either refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the county and the urban municipality.

Approval of Minister

(4) The agreement has no force or effect until approved in writing by the Minister.

Either party may do work

(5) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work. R.S.O. 1950, c. 166, s. 28 (1-5), *amended*.

How construction cost to be borne

(6) In the case of the construction of a pavement twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction. R.S.O. 1950, c. 166, s. 28 (6).

Idem, in case of wider pavement

(7) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such

construction that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement twenty-two feet in width bears to the total area of such pavement or such approximation to that proportion as may be agreed upon.

(8) Where there is an existing pavement twenty-two feet or less in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement that bears the same proportion to such total cost as the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be agreed upon.

Idem, in case of widening existing pavement

(9) The total cost mentioned in subsections 6, 7 and 8 includes the cost of any necessary grading, shouldering, under-drainage or base construction, but does not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality.

Total cost, what to include

(10) In the case of the maintenance of a pavement or roadway twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance.

How maintenance cost to be borne

(11) In the case of the maintenance of a pavement or roadway more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such maintenance that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway twenty-two feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be agreed upon.

Idem, in case of wider roadway

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. R.S.O. 1950, c. 166, s. 28 (7-12), *amended*.

Total cost, what to include

(13) Where a part of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and, in determining the cost of construction or maintenance

In case of street railway

that is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereof, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(14) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway that is borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the county under this Part. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (1), *amended*.

Subsidy to
urban muni-
cipality

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (2), *amended*.

Construction
or main-
tenance of
culvert or
bridge, how
cost to be
borne

(16) In the case of the construction or maintenance of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction and control of the urban municipality, the agreement shall provide that the cost of such construction or maintenance, exclusive of any part thereof that is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne 50 per cent by the county and 50 per cent by the urban municipality. 1951, c. 33, s. 2, *part, amended*.

Subsidy to
county

(17) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (3); 1955, c. 87, s. 1, *amended*.

(18) The part of the cost of the construction or main-
 tenance of such culvert or bridge that is to be borne by the urban municipality may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (4), *amended*. Subsidy to urban municipality

(19) A road that is constructed or maintained under this section remains under the jurisdiction and control of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. 1951, c. 33, s. 2, *part*, *amended*. Jurisdiction
R.S.O. 1950,
cc. 243, 215

56.—(1) In addition to the amount that the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 54 and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 55, the county shall in the same year make a contribution towards the construction and maintenance of other roads in such urban municipality. County to make contribution towards other roads in urban municipality

(2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality that is properly chargeable to road improvement under Part VII, or in the form of a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms. Form of contribution

(3) Such contribution shall not be less in total value than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed. Minimum contribution

(4) Where in any year such contribution or a part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November in that year, How to be paid

submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other roads by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 7, *amended*.

Agreement
may exempt
county from
this section

(6) An agreement for the construction of a county road extension or connecting link under section 55 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section does not apply. 1951, c. 33, s. 2, *part, amended*.

Disputes as
to main-
tenance,
etc., of
bridges
and roads
R.S.O. 1950,
c. 243

57.—(1) Sections 462 and 464 of *The Municipal Act* do not apply to a bridge or road crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case, have adopted a plan of county road construction and maintenance under this Part, and such plan includes such bridge or road.

Disputes as
to county
boundary
lines and
bridges

(2) Where there is a difference between two or more municipalities in respect of any such bridge or road as to the municipality upon which the obligation rests, as to the construction and maintenance of the bridge or road or as to the proportions in which the municipalities should respectively contribute thereto, or where two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or road, every such difference shall be determined by the Board upon an application by any municipality interested in such bridge or road.

Hearing

(3) The Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality interested, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard

to such bridge or road, and the Board may make such order in regard to the same as it deems just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the construction and maintenance of such bridge or road.

(4) An order of the Board under this section is binding upon all the municipalities interested for such period as the Board determines. R.S.O. 1950, c. 166, s. 29, *amended*. Duration of order

58. A county has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred either by by-law or agreement or otherwise upon the local municipality or local municipalities that had jurisdiction over the roads before they were included in the county road system, and the county may sue thereon in the same manner and to the same extent as the local municipality or municipalities might have done if the roads had not been included in the county road system. R.S.O. 1950, c. 166, s. 30, *amended*. Powers of county over roads assumed

59.—(1) A county in which a county road system has been established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on a local municipality by section 390 of *The Municipal Act*. Restrictions
R.S.O. 1950,
o. 243

(2) In the event of conflict between a by-law passed under subsection 1 by a county and a by-law passed under section 390 of *The Municipal Act* by the local municipality in which the land is situate, the by-law of the county prevails to the extent of such conflict, but in all other respects the by-law passed by the local municipality remains in full force and effect. 1954, c. 34, s. 2, *amended*. Conflict with local by-law

60.—(1) A county may, with respect to the roads under its jurisdiction and control, by by-law prohibit or regulate, Gas pumps and signs on county roads

(a) the placing, erecting or altering of any gasoline pump within 150 feet of any limit of a road; and

(b) the displaying of any sign, notice or advertising device within one-quarter mile of any limit of a road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing, erecting, altering or displaying of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor, and may prescribe penalties for contravention of the by-law. Permits

Approval (3) A county shall submit a by-law passed under this section to the Minister for his approval in writing and the by-law shall be in force and effect only on and after the day on which the approval is given. R.S.O. 1950, c. 166, s. 95, *amended*.

Procedure on expropriation of land **61.**—(1) Where in the exercise of its powers or in the performance of its obligations under this Part a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county road, the county may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by Part I in the case of lands taken by the Minister under that Part, and the provisions of that Part apply *mutatis mutandis*, and the powers and duties of the Minister as set out in that Part may be exercised and performed in the name of the county. R.S.O. 1950, c. 166, s. 31, *amended*.

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c. 243

Plan and description, filing of (2) The plan and description of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan and description in the proper registry or land titles office the land is vested in the county. R.S.O. 1950, c. 166, s. 32; 1956, c. 28, s. 3, *amended*.

Roads in Indian reserves and other lands under the control of the Government of Canada

62. The Minister may arrange with the Government of Canada for the construction or maintenance, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or part of a township constituting an Indian reserve or of any road under the control of the Government of Canada that lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 46. 1956, c. 28, s. 4, *amended*.

PART V

SUBURBAN ROADS

Suburban roads commission

63.—(1) The Lieutenant-Governor in Council, upon application of a county in which a county road system is established under Part IV, may direct that a commission be appointed in respect of each city or separated town in the county and,

subject to the approval of the Minister, each commission may designate roads in the county road system as suburban roads and the city or separated town shall contribute towards the construction and maintenance of such roads in accordance with this Part. R.S.O. 1950, c. 166, s. 34 (1), *amended*.

(2) The construction and maintenance of suburban roads ^{Duties} and the expenditure thereon shall be directed by the suburban roads commission.

(3) In the case of a city having a population of less than 50,000 or of a separated town, the suburban roads commission shall be composed of three persons, one to be appointed by the city or separated town, one by the county, and the third to be agreed upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. ^{Composition, in city of less than 50,000 or town}

(4) In the case of a city having a population of 50,000 or more, the suburban roads commission shall be composed of five persons, two to be appointed by the city, two by the county and the fifth to be agreed upon by the four members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. ^{Idem, in city of 50,000 or more}

(5) The city or the separated town and the county shall make their appointments of members of the suburban roads commission within thirty days from the date of the Order in Council directing the commission to be appointed. ^{Time for making appointments}

(6) The members of a suburban roads commission shall hold office for a term of five years from the date of the Order in Council directing the commission to be appointed and no longer, and at the expiration of the period and thereafter at the expiration of every period of five years, the members of a commission shall be appointed as provided in this section, and any member of a commission is eligible for reappointment. ^{Term of office}

(7) Where a city, separated town or county fails to make an appointment as required by this section, such appointment may be made by the Lieutenant-Governor in Council. ^{Appointment where default made}

(8) A member of a suburban roads commission may be removed and another person appointed in his place by a vote of two-thirds of the members of the council that appointed him who are present and vote thereon at a regular meeting of the council, if notice of the intention of the council to determine the question of the removal has been given at the next preceding meeting of the council. ^{Removal of commissioners}

Vacancies (9) Where a member of a suburban roads commission dies or resigns or is removed, the authority by which the member was appointed shall appoint another person to fill the vacancy for the remainder of the term for which the person so dying, resigning or removed was appointed.

Incorporation and name (10) Every suburban roads commission is a corporation and the name by which it is to be known shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 40, *amended*.

Who ineligible to act as member of commission (11) Notwithstanding any general or special Act, no person who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission. R.S.O. 1950, c. 166, s. 41, *amended*.

Deposit of plan **64.** A plan and description of the suburban roads designated by a suburban roads commission shall be transmitted by the commission to the Minister within six months from the date of the Order in Council directing the appointment of the commission, and, after the approval thereof by the Minister, no alterations or amendments thereof shall be made by the commission until approved in like manner. R.S.O. 1950, c. 166, s. 34 (2), *amended*.

Suburban roads continue as county roads **65.—(1)** Suburban roads continue to be county roads under the jurisdiction and control of the county and the construction and maintenance thereof shall continue to be under the supervision of the county road superintendent but subject to the direction of the suburban roads commission, and the sums expended for construction and maintenance may be included in the statements of expenditure provided for in section 46, upon which the grants payable by the Province will be determined and paid.

Engineer of commission (2) The work on suburban roads may be carried on under the supervision of an engineer with the same professional qualifications as a county road superintendent and employed for that purpose by the commission in place of the county road superintendent, and the provisions of this Act apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure on suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 46. R.S.O. 1950, c. 166, s. 35, *amended*.

Additional compensation to county road superintendent (3) Where the county road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the

payment to him of such annual sum in addition to his salary as county road superintendent as may be deemed proper. 1956, c. 28, s. 5, *amended*.

66.—(1) The expenditures on suburban roads shall be borne by the county, the city or separated town and the Province in the proportion of 25 per cent by the county, 25 per cent by the city or separated town and 50 per cent by the Province, but, where expenditure is made on a bridge or culvert, the Minister may direct the Province to bear a greater proportion, not exceeding 80 per cent thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or separated town. R.S.O. 1950, c. 166, s. 36 (1), *amended*.

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the county council and may be made before the designation by the suburban roads commission of the roads upon which the appropriation is to be expended. R.S.O. 1950, c. 166, s. 36 (2), *amended*.

(3) The amount to be provided by the city or separated town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the last revised assessment roll, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year. R.S.O. 1950, c. 166, s. 36 (3); 1951, c. 33, s. 3, *amended*.

67. The clerk of the county shall, not later than the 1st day of March in each year, notify the city or separated town of the amount appropriated by the county for the construction and maintenance of the suburban roads, and the treasurer of the city or separated town shall, not later than the 1st day of November following, transmit the equivalent amount to the treasurer of the county by whom it shall be paid to the order of the suburban roads commission. R.S.O. 1950, c. 166, s. 37, *amended*.

68.—(1) The council of each city or separated town shall provide annually or from time to time an amount equal to that appropriated by the county council for the construction and maintenance of suburban roads, and such amount shall be a debt due to the county by the city or separated town.

Issue of
debentures
for city's
or town's
share

(2) For the purposes of this section, the city or separated town may raise from time to time such sums as may be required for construction by the issue of debentures, as in section 44 provided, but all sums required for the purposes of maintenance shall be provided from the current revenue of the municipality.

Issuing
town or city
debentures
for sub-
urban roads

(3) Where it appears that the rate of one-half mill on the dollar mentioned in subsection 3 of section 66 is not sufficient to carry out permanent or extensive work, the city or separated town, with the approval of the Minister, may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the annual rate of one-half mill on the dollar on paying off such debentures.

Assent of
electors not
required

(4) It is not necessary to obtain the assent of the electors to a by-law for the issue of debentures under this section or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 166, s. 38, *amended*.

R.S.O. 1950,
c. 243

Informal-
ities not to
invalidate
proceedings

69. No error or omission or insufficiency in the procedure provided for by this Act relieves a county or city or separated town from liability to contribute towards the construction and maintenance of suburban roads, and the treasurer of a city or separated town that is liable to contribute towards the construction and maintenance of suburban roads shall, not later than the 1st day of November in each year, forward to the county treasurer an amount equal to the amount appropriated by the county council for the construction and maintenance of suburban roads in that year, but the amount of such contribution shall be limited as provided by section 66. R.S.O. 1950, c. 166, s. 39, *amended*.

PART VI

TOWNSHIP ROADS

Township
road super-
intendent

70.—(1) Every township in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads, and the Minister may direct that out of the moneys appropriated therefor by the Legislature 50 per cent, or such greater proportion as he deems requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province. R.S.O. 1950, c. 166, s. 43 (1); 1952 (2nd Sess.), c. 2, s. 9, *amended*.

(2) A copy of the by-law making such appointment shall be transmitted to the Minister within thirty days of the passing thereof and is subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Approval of
by-law

(3) The township road superintendent shall conform to such requirements as the Minister prescribes.

Superin-
tendent to
conform to
requirements

(4) The council of a township in which statute labour has been abolished by by-law shall submit annually to the Minister a statement showing the amount of salary and expenses of the township road superintendent paid by the township, together with a declaration of the township treasurer that the statement is correct and also a declaration of the superintendent that he has *bona fide* performed the duties of superintendent, and on receipt of the statement and declarations the Minister may direct the Treasurer of Ontario to pay to the township the amount to which the township is entitled under this section.

Annual
statement
to Minister

(5) No member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

Councillors
disqualified
as township
road super-
intendent

(6) Where a township receives aid from the Province in excess of 60 per cent of the cost of work done upon township roads, the Minister may appoint a road superintendent for the purpose of supervising work to be undertaken and in that case it is not necessary for the township to appoint a road superintendent and the superintendent appointed by the Minister has and may exercise as to the work all the powers of a township road superintendent appointed under subsection 1. R.S.O. 1950, c. 166, s. 43 (2-6), *amended*.

Appointment
by Minister

71.—(1) A township in which statute labour has been abolished by by-law may submit to the Minister for approval such plans, specifications or by-laws as he may require for any or all of the following purposes:

Grants in
aid of town-
ship road
work

1. Grading.
2. Drainage for road purposes.
3. Gravelling, metalling with broken stone, or the construction of any kind of road surface.

4. Dust prevention by oiling, tarring or other means.
5. The systematic maintenance by dragging, gravelling or other means.
6. The construction of bridges, culverts and approaches thereto.
7. The opening of a new road or the relocating, widening or straightening of an existing road.
8. The purchase of gravel pits, stone quarries, materials, equipment and machinery.
9. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 44 (1), *amended*.

Submission
of by-law
covering
estimated
expenditure

(2) The township shall submit a by-law covering the estimated expenditure on all road construction and maintenance for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to the township in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 44 (2); 1956, c. 28, s. 6, *amended*.

Minister
to direct
subsidy to
be paid to
township

(3) The Minister may direct that a subsidy under this Part shall be paid to a township in respect only of the expenditure on such road construction or maintenance as he designates and in every such case the by-law mentioned in subsection 2 shall cover only the estimated expenditure on work so designated. R.S.O. 1950, c. 166, s. 51, *amended*.

Application
for subsidy

72.—(1) When approved by the Minister, the work or expenditure for a purpose mentioned in section 71 shall be carried out in accordance with the requirements of the Minister and, upon the completion of any such work or expenditure, the township may submit to the Minister an application under section 73 for the subsidy authorized by this Part.

Cost of ferry
service may
be included

(2) Where the township is an island, expenditure for which the township may be entitled to aid under this Part may include the whole, or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the township, its lessee or licensee. R.S.O. 1950, c. 166, s. 45 (1, 2), *amended*.

Roads in
Indian
reserves

(3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act

as road superintendent to supervise the construction and maintenance, in accordance with the requirements of the Minister, of the roads in any township or part of a township constituting the Indian reserve and, where such an arrangement has been made, the Government of Canada may apply under section 73 for the subsidy authorized by this Part, and this Part applies *mutatis mutandis* thereto. R.S.O. 1950, c. 166, s. 45 (3); 1956, c. 28, s. 7, *amended*.

73.—(1) A township shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials that was not paid to the persons performing the work or supplying the materials in cash or by cheque of the township; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 46 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 46 (2); 1952 (2nd Sess.), c. 2, s. 10, *amended*. Amount of subsidy

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that aid so granted may, Where rate of subsidy may be varied

- (a) in the case of a bridge or culvert, be any percentage up to 100 per cent; and

- (b) in the case of any other road improvement, be any percentage up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. R.S.O. 1950, c. 166, s. 47; 1952 (2nd Sess.), c. 2, s. 11, *amended*.

Exclusions

(4) Expenditure in respect of which aid may be granted under this section does not include,

- (a) any amount levied in the township for county road purposes; or
- (b) except with the consent of the Minister, any other road expenditure towards which a contribution has been paid or may be payable from any source. R.S.O. 1950, c. 166, s. 48, *amended*.

Contribution of city or town in a provisional judicial district to improvement of township roads

74.—(1) A city or town in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of its council, may agree with a township to share the cost of construction or maintenance of any township road that leads or is adjacent to the city or town or which, by reason of the existence of the city or town, is subject to extraordinary traffic. R.S.O. 1950, c. 166, s. 49 (1), *amended*.

How cost to be borne

(2) Where the cost of construction or maintenance of a township road is shared by a city or town under an agreement made under this section, the Minister may direct that there shall be paid to the township out of the moneys appropriated therefor by the Legislature such proportion of the expenditure made on such road as is fixed under this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. R.S.O. 1950, c. 166, s. 49 (2); 1952 (2nd Sess.), c. 2, s. 12, *amended*.

Different rates in summer resort or suburban areas

75. The council of a township in which statute labour has been abolished by by-law, and

- (a) in which subdivisions have been laid out; or
- (b) in which parts are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate the subdivisions or parts for the purposes of taxation from the remainder of the township by defining the limits of the subdivisions or parts and in imposing the township rate for road purposes may impose and levy a higher rate upon the subdivisions or parts than upon the remainder of the township, but no such by-law has effect

until it has been approved in writing by the Minister and the amount raised by increasing the rate shall not be included in determining the expenditure of the township on which any subsidy may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 50 (2); 1952 (2nd Sess.), c. 2, s. 13, *amended*.

PART VII

CITY, TOWN AND VILLAGE ROADS

76. Every city, town and village, except a city or separated town in a county other than an area municipality under *The Municipality of Metropolitan Toronto Act, 1953* that does not contribute towards the construction and maintenance of suburban roads, may submit a by-law covering the estimated expenditure on the construction and maintenance of its roads for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to a city, town or village in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 56, *amended*. Submission of by-law covering estimated expenditure 1953, c. 73

77.—(1) Where the Minister has approved a by-law to provide for expenditure under this Part, the city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 58 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to, Payment of subsidy

- (a) in the case of a city or separated town, $33\frac{1}{3}$ per cent; and
- (b) in all other cases, 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 58 (2); 1952 (2nd Sess.), c. 2, s. 16, *amended*.

Where rate
of subsidy
may be
varied

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that the aid so granted may,

- (a) in the case of a bridge or culvert, be any percentage up to 80 per cent; and
- (b) in the case of any other road improvement, be any percentage up to 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. 1956, c. 28, s. 9, *amended*.

In case of
expenditure
on connect-
ing link of
the King's
Highway

(4) Where the construction or maintenance of a road in a city, town or village that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the city, town or village on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. R.S.O. 1950, c. 166, s. 58 (3), *amended*.

Expenditures
eligible for
subsidy

78. Expenditures that are properly chargeable to road improvement include those made for any or all of the following purposes:

1. Opening a new road and acquiring the necessary land therefor.
2. Clearing a road of obstructions.
3. Widening, altering or diverting a road.

4. Subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road by an operating corporation. R.S.O. 1950, c. 318
5. Constructing and maintaining bridges, culverts or other structures, other than sewers, incidental to the construction of a road.
6. Grading.
7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor, other than sewers.
8. Constructing and maintaining any type of road surface.
9. Constructing and maintaining curbs, gutters and catch basins.
10. Clearing snow and applying chemicals or abrasives to icy surfaces.
11. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 59, amended.

79. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, the expenditures made on the opening or constructing of any road therein are not properly chargeable to road improvement under this Part unless the road is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Minister. Opening or constructing road in subdivision not eligible R.S.O. 1950, c. 166, s. 60 (1, 2); 1953, c. 45, s. 1, amended.

80. Except with the consent of the Minister, no expenditures, other than those that are provided for entirely by aid granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality or by the issue of debentures to be retired by a general rate so levied, shall be included in the statement submitted under section 77. Expenditures, how provided for R.S.O. 1950, c. 166, s. 61, amended.

81. Notwithstanding section 80, any contribution made by a county under section 56 towards the construction and maintenance of roads, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 77 for the purpose Contribution of county under s. 56 may be included in statement for subsidy

of determining the grant payable to such urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certified by the county road superintendent may be so included. 1955, c. 28, s. 3, *amended*.

King's
Highway
extension
or con-
necting link

82. In the case of a city or separated town, the Minister may require that of the expenditure to be made under this Part so much as is necessary shall be made on the construction and maintenance of the roads that he designates as extensions or connecting links of the King's Highway. R.S.O. 1950, c. 166, s. 62, *amended*.

Aid granted
to township
by city,
town or
village to be
subsidized
R.S.O. 1950,
c. 243

83. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* a city, town or village grants aid to a township towards the construction or maintenance of a township road, the aid so granted is properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. 1951, c. 33, s. 4, *amended*.

PART VIII

DEVELOPMENT ROADS

Agreement
with muni-
cipality as
to develop-
ment roads

84.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a municipality, not being a city or separated town, in order to promote or maintain settlement or development, and the Minister and the municipality may enter into an agreement for its construction or maintenance, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he deems requisite. R.S.O. 1950, c. 166, ss. 53, 54 (1); 1952 (2nd Sess.), c. 2, s. 15, *amended*.

Road re-
mains under
control of
municipality

(2) A development road constructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality. R.S.O. 1950, c. 166, s. 54 (2), *amended*.

PART IX

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Interpre-
tation

85.—(1) In this section,

- (a) "cost of the work" includes the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the

secretary-treasurer of the road commissioners elected under *The Statute Labour Act*, and the sheriff's costs ^{R.S.O. 1950, c. 372} in connection with the sale of land for arrears of statute labour;

- (b) "value of the labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed. R.S.O. 1950, c. 166, s. 52 (1).

(2) The Minister may arrange with the road commissioners ^{Arrange-} elected under *The Statute Labour Act* or with a person who ^{ments for} is the owner of land in territory without municipal organiza- ^{construction} tion for the construction or maintenance of a road therein, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he deems requisite. R.S.O. 1950, c. 166, s. 52 (2); 1952 (2nd Sess.), c. 2, s. 14 (1), *amended*. <sup>or main-
tenance</sup>

(3) Where the Minister deems it desirable that the in- ^{Where in-} habitants of any territory without municipal organization ^{corporation} should become incorporated under *The Municipal Act*, the ^{desirable} amount that may be paid out under this section in respect ^{R.S.O. 1950, c. 243} of a road in that territory shall not exceed 50 per cent of the value of the labour employed on the work. R.S.O. 1950, c. 166, s. 52 (3); 1952 (2nd Sess.), c. 2, s. 14 (2), *amended*.

PART X

GENERAL

86. Subject to the approval of the Board, a municipality ^{Controlled-} may by by-law designate any new road established under ^{access road} section 469 of *The Municipal Act* as a controlled-access road. ^{designation} 1954, c. 34, s. 4, *amended*.

87.—(1) In this section, "road" includes an unopened ^{Interpre-} road allowance. *New.* ^{tation}

(2) Subject to the approval of the Board, a municipality ^{Closing of} may by by-law close a municipal road that intersects or ^{intersecting} runs into a controlled-access road designated under section 86. ^{municipal} ^{roads}

(3) The Board may direct that notice of an application ^{Application} for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be

filed with the Board and the municipality within such time as the Board directs.

Powers of Board

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. 1954, c. 34, s. 4, *amended*.

Appeal

(5) The municipality or any person, including a municipality or a local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

Compensation

(6) Upon the closing of a road in accordance with an order of approval, the municipality shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

Private roads, etc., opening upon controlled-access road

88.—(1) A municipality may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road designated under section 86 and may impose penalties for contravention of any such by-law.

Notice

(2) The municipality may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. 1954, c. 34, s. 4, *amended*. Offence and penalties

(6) Where a notice given under subsection 2 has been complied with, the municipality shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

(7) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*. *New*. Procedure

89. The road superintendent appointed by a road authority under this Act may, without any direction from the Minister or road authority by which he is appointed, initiate and carry out proceedings under *The Ditches and Watercourses Act* and may sign petitions under *The Municipal Drainage Act* for the purpose of procuring proper drainage for any road within the jurisdiction and control of the road authority, and he has authority to file or receive notices as owner in accordance with the procedure prescribed by such Acts. R.S.O. 1950, c. 166, s. 96, *amended*. Authority of road superintendent with regard to drainage R.S.O. 1950, cc. 105, 246

90.—(1) Notwithstanding *The Municipal Act*, a road superintendent may, without the passing of a by-law or resolution, apply to the owner of any gravel pit or gravel land for gravel for road purposes. Obtaining gravel for road purposes R.S.O. 1950, c. 243

(2) The road superintendent shall state in the application the price per cubic yard or per acre of such amount of gravel as he requires. Application to state price offered

(3) If the owner does not, within three days after receiving the application, agree with the road superintendent to sell the gravel or the land and as to the price at which the same shall be sold, the road superintendent may, upon seven days notice in writing to the owner, apply to a judge of the county Application to county judge to fix price

or district court of the county or district in which the gravel or the land is situate for an order fixing the price to be paid for the gravel or the land, and the judge upon the application and upon hearing such evidence as he deems necessary may fix the price per cubic yard or per acre to be paid for the gravel or the land and may order and direct that upon the payment or tendering of the price so fixed the road superintendent, by his servants or agents, may enter upon the lands and take the gravel so required.

Appeal

(4) An appeal lies from the order of the judge of the county court to the Court of Appeal. R.S.O. 1950, c. 166, s. 97, *amended*.

Closing road to traffic

91.—(1) While a work authorized by this Act is in progress on a road, other than the King's Highway, the road superintendent or a person authorized by him may close the road to traffic for such time as the road superintendent or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

Alternative route to be provided

(2) While a road is so closed to traffic, the municipality having jurisdiction and control of the road shall provide and keep in repair an alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing, and for the period during which the road is closed to traffic the alternative route is under the jurisdiction and control of that municipality.

Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of the road so closed, and wherever an alternative route deviates therefrom, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the road is closed to traffic. R.S.O. 1950, c. 166, s. 98 (2, 3), *amended*.

No municipal liability

(4) Every person using a road closed to traffic in accordance with this section does so at his own risk and the municipality having jurisdiction and control of the road is not liable for any damage sustained by a person using a road so closed to traffic. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

Offence and penalty

(5) Every person who without lawful authority uses a road so closed to traffic while it is protected in accordance with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty or not more than \$50 and is also liable to the

municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement.

(6) This section applies to any road for which provision has been made under any Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 98 (4, 5), *amended*. Application of section to special cases

92. Where an engineer of the Department reports to the Minister that a municipal road is out of repair, the Minister may, after at least two months notice in writing to the municipality, direct the Department to undertake the work of putting the road in repair, and the cost of the work shall be chargeable to and shall be a debt due from the municipality to the Crown, and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. R.S.O. 1950, c. 166, s. 98 (6); 1956, c. 28, s. 26, *amended*. Repair and maintenance of road by Department on default of municipality

93. Notwithstanding any other Act, no earth, debris or excavated material shall be deposited within the limits of any road without permission in writing so to do from the road authority responsible for the maintenance of the road. R.S.O. 1950, c. 166, s. 99, *amended*. Excavated material

94.—(1) A local municipality may construct a sidewalk or other improvement or service on a highway or road with the written consent of the authority having jurisdiction and control of the highway or road. Local municipalities may construct sidewalks, etc.

(2) The cost of such a sidewalk, improvement or service may be met out of the general funds of the local municipality or out of funds of the authority having jurisdiction and control of the highway or road, or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided R.S.O. 1950, c. 215

(3) A local municipality when constructing such a sidewalk, improvement or service shall conform to any requirements or conditions imposed by the authority having jurisdiction and control of the highway or road, and is responsible for any injury or damage occasioned by the construction or presence of the sidewalk, improvement or service. R.S.O. 1950, c. 166, s. 100 (1-3), *amended*. Local municipality to conform to requirements and be responsible for damage

(4) A township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and, upon the approval being given, the township Construction of sidewalk or footpath

may apply to the Minister in the form prescribed by him for the payment to it out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work, and the Minister may authorize the payment. R.S.O. 1950, c. 166, s. 100 (4); 1952 (2nd Sess.), c. 2, s. 20; 1956, c. 28, s. 27, *amended*.

Planting
trees

95. A municipality or suburban roads commission may plant trees on its roads, and the cost of the work shall be deemed to be part of the cost of maintaining the road. R.S.O. 1950, c. 166, s. 101, *amended*.

Agreement
with owner
for removal

96.—(1) A road superintendent, with the approval of the road authority, may enter into an agreement with the owner of any land adjacent to a road under the jurisdiction and control of the road authority for the removal of any tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjoining the road and that may cause the drifting or accumulation of snow or may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road, and the agreement may provide for the amount of compensation to be paid to the owner for damages caused to him by reason of such removal.

Application
to judge for
order to
remove

(2) Where the road superintendent is of the opinion that a tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjacent to the road will cause the drifting or accumulation of snow or will injuriously affect the road or will obstruct the vision of pedestrians or drivers of vehicles on the road and he is unable to agree with the owner of the land for the removal of the same or as to the amount of compensation to be paid therefor, he may, with the approval of the road authority, apply to a judge of the county court of the county in which the land affected is situated for an order authorizing him to enter upon the land affected and remove any object with respect to which the application is made, and the judge, upon such notice to the owner of the land as he deems proper, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion are equitable.

Application
of R.S.O.
1950, c. 189

(3) *The Judges' Orders Enforcement Act* applies to every application and order made under subsection 2.

By-laws for
clearing
adjacent
land

(4) A county or township may by by-law determine and fix the distance from the centre line of a road under its jurisdiction and control within which the owner of any lands adjacent to the road shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected

any fence, sign board, gasoline pump, building or other structure that may cause the drifting or accumulation of snow or that may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road. R.S.O. 1950, c. 166, s. 102, *amended*.

97.—(1) A municipality, other than a city or separated town, with the approval of the Minister, may make an agreement with the road authority having jurisdiction and control of the King's Highway, a county road or a suburban road for the widening of the highway or road in the municipality, and may make a further agreement with the road authority and any municipality or commission interested in the highway or road and with any municipality, commission or company owning or operating a street railway or electric railway on the highway or road fixing the proportions in which the cost of the widening and of the removal or replacing or altering of the tracks of the street railway or electric railway consequent upon the widening shall be borne by the municipality, the road authority, any municipality or commission interested in the highway or road and by the municipality, commission or company owning or operating the street railway or electric railway. Agreements for widening

(2) Where the parties to the proposed agreement are unable to agree as to the proportion in which each of them shall so contribute, the same shall be determined by the Board and the decision of the Board is final and conclusive and is not subject to any appeal. Apportioning cost

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway or road, the municipality may pass by-laws for acquiring by purchase or otherwise or for expropriating any land described in the agreement or necessary to carry out the provisions thereof, and *The Municipal Act* as to the acquiring, occupying or taking of land for municipal purposes applies to the acquiring, occupying or taking of land under the by-law. By-law for acquiring land
R.S.O. 1950, c. 243

(4) A county not having jurisdiction and control of the highway or road but through which the highway or road passes may agree to contribute to the cost of the widening of the highway or road, but nothing in this section shall be deemed to render it compulsory upon the county to so contribute. R.S.O. 1950, c. 166, s. 103, *amended*. Voluntary contributions from municipalities

98. A commission appointed under an Act of the Legislature for the purpose of exercising or carrying out in any particular locality powers elsewhere exercisable by a municipality with respect to the construction of roads has the like rights and powers and shall perform the like duties and be Aid to commissions governing certain localities

entitled to the same aid as a township under this Act. R.S.O. 1950, c. 166, s. 104, *amended*.

Vouchers

99. Where a subsidy is applied for under this Act, vouchers covering all expenditures in respect of which the subsidy is applied for shall be furnished to the Minister in a form satisfactory to him and the Minister may require the production of any book, statement or other document respecting such subsidy. R.S.O. 1950, c. 166, s. 105; 1956, c. 28, s. 28, *amended*.

Warrant

100.—(1) If resistance or opposition is made to the Minister or any person authorized by him entering upon or taking possession of land under this Act or exercising any other power in respect of land under this Act, the Minister may apply to a judge of the Supreme Court or of a county or district court of the county or district in which the land is situate for a warrant (Form 1) directing the sheriff of such county or district to put down such resistance or opposition and to put the Minister in possession of the land or to take such steps as may be necessary to enable the Minister to exercise such power.

Hearing

(2) The judge shall in writing appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

Issue of warrant

(3) On proof of such resistance or opposition and of the interest of the Crown in such land or of the intention of the Minister to exercise a power in respect thereof, the judge may issue the warrant.

Execution of warrant

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. *New*.

How cost to be provided

101. The cost of material, labour, special engineering or other services, land and property or options thereon, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 73; 1952 (2nd Sess.), c. 2, s. 17, *amended*.

Highway Construction Account

102.—(1) The Highway Reserve Account in the Consolidated Revenue Fund is continued under the name of the Highway Construction Account and such amounts as are appropriated by the Legislature for that account shall be credited to that account.

(2) The Minister may pay out of the Highway Construction ^{Idem} Account expenditures incurred in the construction of highways. 1952 (2nd Sess.), c. 2, s. 21, *amended*.

103. Notwithstanding anything in any other Act, all fines ^{Application of fines} and penalties recovered for offences under this Act committed on or with respect to a highway under the jurisdiction and control of the Department shall be paid to the Department. R.S.O. 1950, c. 166, s. 86 (2), *amended*.

104. The following are repealed:

Repeal:

1. *The Highway Improvement Act*, except sections 69, ^{R.S.O. 1950, c. 166, except ss. 69, 81, 82} 81 and 82 thereof.
2. *The Highway Improvement Amendment Act, 1951.* 1951, c. 33
3. *The Highway Improvement Amendment Act, 1952.* 1952 (2nd Sess.), c. 2
4. *The Highway Improvement Amendment Act, 1953.* 1953, c. 45
5. *The Highway Improvement Amendment Act, 1954.* 1954, c. 34
6. *The Highway Improvement Amendment Act, 1955.* 1955, c. 28
7. *The Highway Improvement Amendment Act, 1956,* ^{1956, c. 28, except s. 18} except section 18 thereof.

105. This Act comes into force on the day it receives ^{Commence-ment} Royal Assent.

106. This Act may be cited as *The Highway Improvement* ^{Short title} *Act, 1957.*

FORM 1

WARRANT

(Sec. 100)

PROVINCE OF ONTARIO
COUNTY (or DISTRICT) OF

} IN THE MATTER OF
} *The Highway Improvement Act*
} AND IN THE MATTER OF
}

To

SHERIFF, ETC. :

WHEREAS resistance or opposition has been made to the Minister of Highways or a person authorized by him entering upon or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 100 of *The Highway Improvement Act* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the Minister of Highways in possession of the said land (*or, to put down such resistance or opposition and take such steps as may be necessary to enable the Minister of Highways to*), and make a return to me of your execution hereof.

GIVEN under my hand this day of 19.....

.....
JUDGE

New.

BILL

The Highway Improvement Act, 1957

1st Reading

February 4th, 1957

2nd Reading

February 26th, 1957

3rd Reading

March 29th, 1957

MR. ALLAN (Haldimand-Norfolk)

